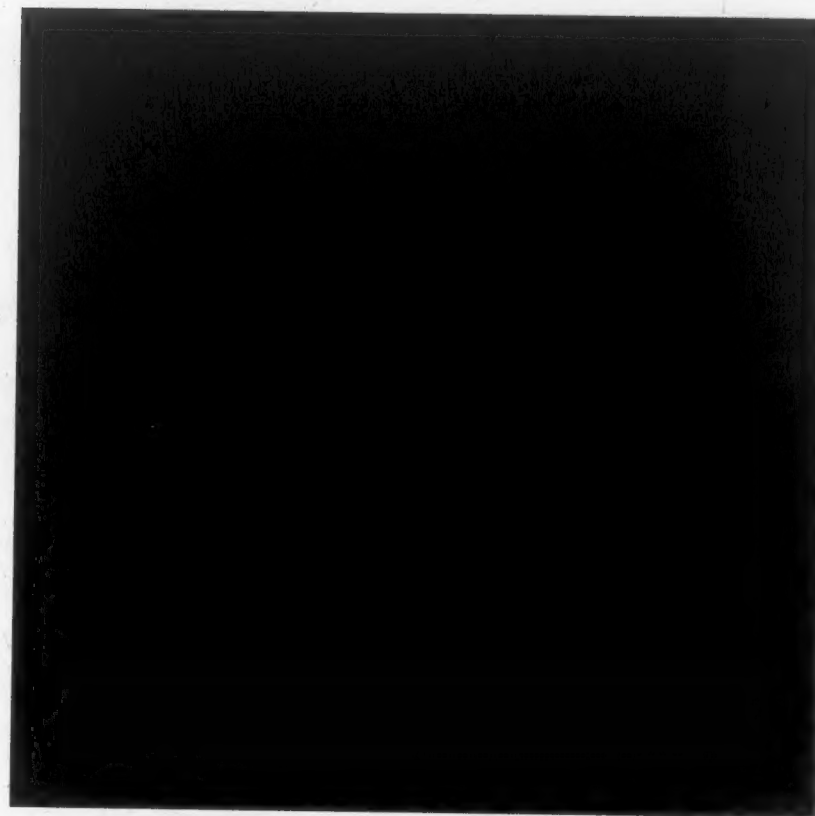
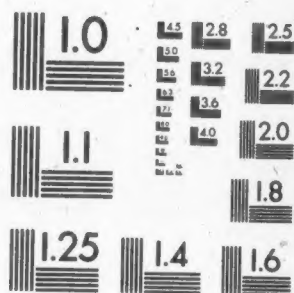
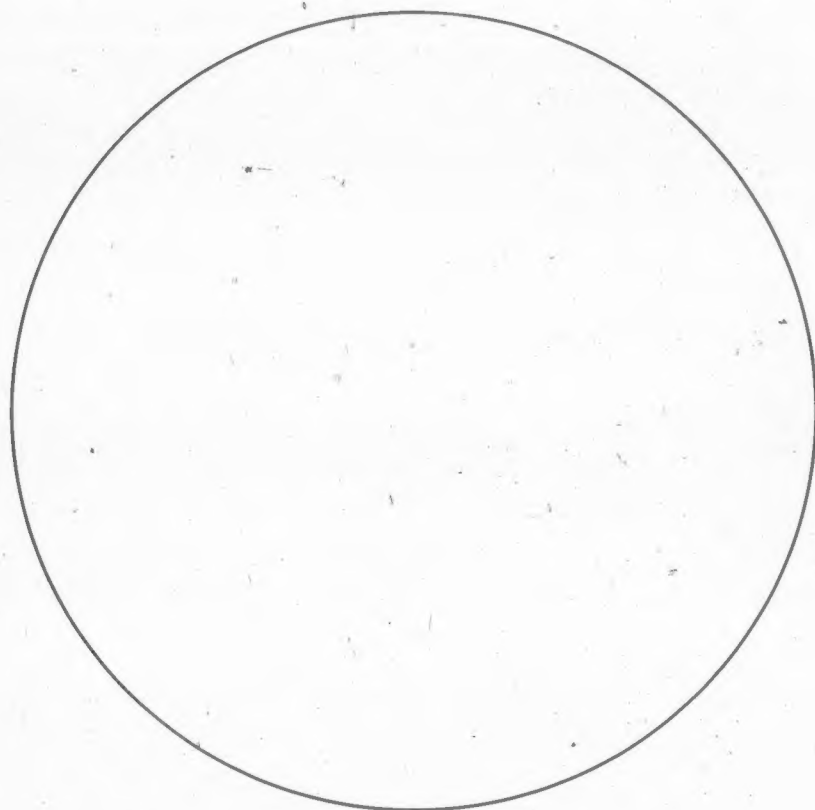
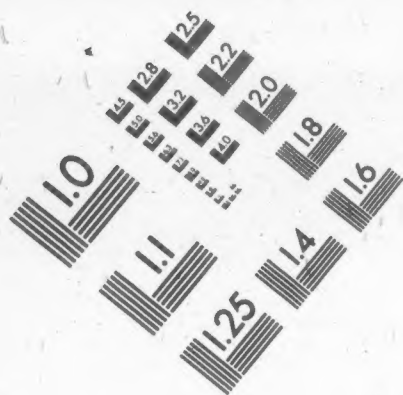


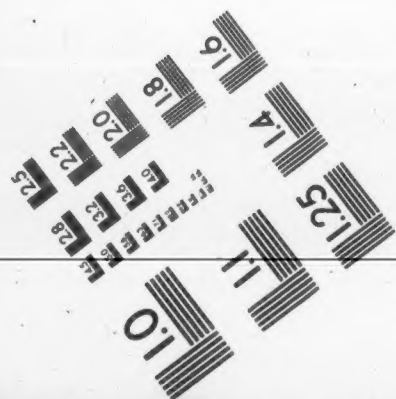


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 321

CHEROKEE D1206 - D1267

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ACTING CHAIRMAN

1007.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 14, 1900.

In the matter of the application of Ebble Lawler for enrollment as a Cherokee citizen: she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ebble Lawler.
Q What is your age? A 35.
Q What is your postoffice? A Tahlequah.
Q What district do you live in? A Tahlequah district.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll? A Myself.
Q Are you married? A Yes sir.
Q Your husband living? A Yes sir.
Q What is his name? A Henry Lawler.
Q What was your name before you were married? A Ebble Freedland.
Q What is your father's name? A Henry C. Freedland.
Q What is your mother's name? A Della Freedland.
Q Your father and mother living? A No sir; my father's been dead three years.
Q Your mother living? A Yes sir.
Q Where were you born? A In Tennessee.
Q When did you come to the Cherokee Nation? A When I was a little child.-- I don't remember.
Q Did your father and your mother bring you? A Yes sir.
Q Have you been living here in the Cherokee Nation? A No sir, not all the time. We went away when I was a little child about ten years ago, and we come back about six years ago.
Q Been living here ever since? A Yes sir.
Q Where did you go to when you went away? A To Texas.
Q Who went with you? A My mother and father.
Q Why ain't your name on the roll of 1896? A I was away at that time. My name is Lawler, and I guess that is the reason it isn't down there. I have been married.
Q You say you weren't on the roll of 1896? A I don't think.
Q Weren't you here then? A We weren't here.
Q Did you get strip payment? A No sir, we missed the strip payment.

By W. W. Hastings, representative of the Cherokee Nation--

Q When were you married in Texas? A In 1890.
Q When did you come back here? A In 1896.
Q When did you go to Texas? A I was a little child, and I don't remember. Its not been very long ago, about 12 years ago, I think.
Q How long before you were married? A About five years before I was married.
Q And you were married in 1890? A Yes sir.
Q You went down there in '85? A Yes sir, about.
Q How long did you live in the Cherokee Nation before you went to Texas? A About four years before we went to Texas.
Q When did you come back? A Over five years ago, going on six.
Q How old are you? A 35 years old.
Q Did you come out here with your father in '81? A Yes sir.
Q Did your mother come? A Yes sir.
Q How many children were there of you? A Three children of us at that time.
Q If this is your father's name on the North Carolina roll, why didn't he enroll you; all the other children are enrolled on there?
Q It seems to me that he come out here first, and then come back after us and we come back just about that time.
Q What time in the year did you come out here? A In the fall of the year.
Q Your mother living? A Yes sir.
Q Where is she? A She's in Texas.

2- E.L.

Q Have you been back to Texas in the last five years? A We went back there on a visit last summer.

Commissioner-

Q Did you ever apply to the Dawes Commission in 1898 for citizenship? A We never applied to the Dawes Commission.

Q Did you ever apply to the Cherokee Council for readmission?

A Yes sir, it seems like my father did.

Q What did they do, did they readmit him? A They said that we were Cherokees but that we had been away so long that they wouldn't take in anymore, but said that we were Cherokees.

Q Your name don't appear upon any of the rolls of the Cherokee Nation? A No sir.

Commissioner Needles-

When examination of the rolls of the Cherokee Nation, the name of Ebbie Lawler is not found, neither by her present married name, nor her maiden name, which she avers was Freeland. Under the provisions of the act of Congress approved May 31, 1900, this Commission is without jurisdiction to receive, consider or make any record of your application, for the reason that you are not a recognized citizen of the Cherokee Nation, or duly and lawfully enrolled or admitted as such. If you desire to have the Secretary of the Interior consider your case, and so state to the Commission in writing, the matter will be referred to him when the rolls of the Cherokee Nation are sent to him for his approval.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 10th day of January, 1901.


Commissioner.

March 21, 1948

Department of the Interior,
Bureau of Land Management,
Washington, D. C. March 21, 1948

REPLY TO LETTER OF MARCH 10, 1948, FROM THE
BUREAU OF LAND MANAGEMENT, WASHINGTON, D. C.

600/100

RECEIVED
MAY 31 1948
U. S. DEPT. OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

1. The Commission on the Management of the
Public Lands of the United States, created by
Public Law 75-216, Chapter 24, of the 83rd
Congress, is pleased to inform you that the
Commission has completed its study of the
management of the public lands of the United
States and has submitted its report to the
President of the United States.

Supl.-C.D.#1206.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of HEBBIE LAWLER
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that on said day the applicant might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his case. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Hesson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Hesson

R.
Cher. D-1806.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 28, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of HENRIE LAWLER as a citizen by blood of the Cherokee Nation.

Appearances:

W. W. Hastings, attorney for Cherokee Nation.

Applicant presents a certificate, signed by D. H. Grady, Clerk of Polk County, Tennessee, certifying that the marriage records of that county were destroyed by fire in September, 1894, which certificate is filed herewith.

ALEXANDER L. WEST, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER: What is your name? A Alexander L. West, I sign it.
Q L. West.
Q How old are you? A Forty-seven.
Q What is your post office address? A Tahlequah.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know Mrs. Mable Lawler? A Yes sir.
Q How long have you known her? A I have seen her when she was a child about a year old or so, then I never saw her any more until she was married, that is the next time. I left that country and came here.
Q Left what country? A North Carolina.
Q Did you know her parents? A Yes sir.
Q What is the name of her father? A Henry Freeland.
Q Is he living? A No sir, he is dead.
Q What is the name of her mother, before she was married?
A Malene.
Q What is her given name? A I forget her name, it has been so long.
Q Were they married? A Word came over here, they were across the line, and Henry was married, and the next time I seen him he said he was married. He lived right there below the East Tennessee Work, they called it.
Q How far did you live from him? A About six or seven miles.
Q Did you see them frequently after it was said they were married?
A Every week or ten days, as long as I stayed there.
Q After it was said they were married, did he and the mother of Mrs. Mable Lawler live together as husband and wife? A They did.
Q Were they recognized in the community as husband and wife?
A Yes sir.
Q How long did you know them in North Carolina? A Seven or eight years. I was right there where they were.
Q Did they live together continuously during that time? A Yes sir.
Q Did you know them after they came to the Cherokee Nation?
A I knew Henry when he came here. He came here about the time I did, in 1881. This girl's brother and Henry came, but the girl did not come then.
Q Do you know whether Henry Freeland was married before he married the mother of Mrs. Lawler? A I don't think he was.
Q Do you know whether this woman's mother was ever married before she married Henry Freeland? Henry's wife, was she ever married?
A Never married until she married Henry.

MR. KASTINGS: When did this girl come here? A She has been here seven or eight years, I reckon, maybe nine. I don't recollect how long it has been.

Q How didn't come with her father? A No, not when he first came. Henry came here with the North Carolina immigrants with all this transportation, along about 1831.

Q When did he go back? A He stayed only a short time and then went off.

Q He didn't bring his family with him? A No sir, not then.

Q When did he bring his family? A When this girl's father died he married again, married a Taylor girl.

Q Did this woman's mother die in Tennessee? A I don't know where she died. I reckon she must have died back there some place, because Henry came here and married one of the Taylor girls after she died.

Q Did you ever see this woman here before her marriage? A Yes sir.

Q When she was a single girl? A Yes sir, just a child.

Q Where was she living? A Back in Tennessee.

Q I mean in the Cherokee Nation? A No sir, she was married when she came here.

Q Did you see this woman single here in the Cherokee Nation? A No sir, she was married when she came here.

Q About how long ago was it you saw her in the Cherokee Nation? A Not he seven or nine years ago, I am not positive exactly.

Q Did she have any children when you saw her? A I believe she did have one.

EMILY LAWLER, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER: What is your name? A Emily Lawler.

Q You are the applicant in this case? A Yes sir.

Q Where do you live? A Six or seven miles from Tallapoosa.

Q What is your age? A Twenty-seven.

Q Your father was Henry Freshland? A Yes sir.

Q What is your mother's name? A Martha Malone was her name.

Q Do you remember your mother? A She died, I don't remember, but I guess when I was about a year old.

Q When did you come to the Cherokee Nation? A I came here-- I don't recollect--maybe six or seven years ago old.

Q Where did you live? A Up at Vinita, on Spavinaw, and at several places.

Q How old were you when you went away? Did you go away? A I went away when I was about twelve years old.

Q Where did you go? A To Texas.

Q When you was about twelve years old? A Yes sir.

Q Did you marry your husband, Mr. Lawler, in Texas? A Yes sir.

Q What county? A Mason County.

Q How long after you married him before you returned? A Just about four years, I reckon.

Q When did you come back here? A We came back about eight or nine years ago.

Q Then you lived in Texas between six and eight years? A Yes sir.

Q About four of them was in your married life? You were married about four years before you came back? A I don't think we lived together four years before we came back.

Q How long do you think? A About two years.

Q Did you have any children born in Texas? A Had one.

Q Did your father go with you to Texas, or take you with him to Texas? A Yes sir.

Q Did he die down there? A No sir, here in Tallapoosa.

Q Had he returned here? A Yes sir.

Q Was that after your return? A Yes sir.

Q You have a number of brothers, where do they reside? A In the Chickasaw Nation.

Q Did they go with you to Texas? A Yes sir, they went with me and came back, and then went off about two or three years ago.

Q Did they come back to the Cherokee Nation? A They went to the Chickasaw Nation, and my step-mother came back last summer and went back down here.

Q Is your step-mother back down in the Chickasaw Nation now? A Yes sir.

Q These brothers of yours— A Yes sir, and my sisters.

Q Are they your full brothers, or half brothers and sisters? A One is my full brother. Erverose Freeland is my full brother.

Q Where did your father marry the second time? A I don't remember I think it was in North Carolina.

Q Was he married before he came out here? A Yes sir.

Q Did you come with your father out here when he came the first time? A No sir.

Q How long after he came out did you come? A I don't know exactly, I was little and don't remember, it must have been a year or so.

Q You say you were six or seven years old when you came? A Yes sir.

Q You don't remember your mother? A No sir.

Q Did you ever hear of your father being married before he married your mother? A He never was married before.

Q Was your mother ever married before she married your father? A No sir.

Q Did Cordelia Freeland come back here from Texas when you came back after you were married? A Yes sir.

Q She came back at that time? A Yes sir.

Q How long did she stay here? A I don't know exactly. It has been four years, but they never moved away entirely, they went off for their health.

Q Where did they go to? A Went to the Chickasaw Nation.

Q Ever go back to Texas? A They went over to the edge of Texas, just travelled around for their health.

Q You think they are in the Chickasaw Nation now? A Yes sir.

Q What place? At Aow(?) in the Chickasaw Nation.

BY COMMISSIONER: You say your father and step-mother and family moved to Texas, when was it they moved to Texas? A I don't know exactly, but I must have been eleven or twelve years old, somewhere along there, when they first moved to Texas.

MR. HASTINGS: About sixteen years ago? A Yes sir, about 1886.

BY COMMISSIONER: How long did your family reside in Texas then?

A About four or five years..

Q You stated that you lived in Texas until your first child was born? A Yes sir.

Q How old were you when you married? A I was fifteen years old.

Q How long were you married until your first child was born?

A A year and three months.

Q Then after you left Texas where did you move? A We came to the Chickasaw Nation and stayed there three months and came on up here.

Q Did your step-mother and your half brothers and sisters come up to the Chickasaw Nation at the time you did? A No sir, they didn't come there exactly when we did.

Q Come before or after? A After we did.

Q About how long after? A It was about six months, I think.

Q And then did they come on up into the Chickasaw Nation?

A Yes sir, in the Chickasaw Nation, then they came on here.

Q Did you move up to the Chickasaw Nation together? A No sir. I just said they came in about six months after we was in the Chickasaw Nation. They came on up here. They never lived in the Chickasaw Nation until they went back this time.

Q How long did they remain in the Chickasaw Nation at that time when they moved up from Texas? A About two weeks, I think.
 Q Then they moved on up to the Cherokee Nation? A Yes sir.
 Q How long did they live in the Cherokee Nation before they went back to the Chickasaw Nation? A They lived here about four years.
 Q Then they went back to the Chickasaw Nation? A Went back there and kind of travelled around for their health.
 Q Have they made their home in the Cherokee Nation since they went back to the Chickasaw Nation after coming here in the Cherokee Nation? A They stayed over here in Texas, I think, about six months, then went back to the Chickasaw Nation.
 Q Have they resided in the Cherokee Nation since they left the Cherokee Nation, after coming up from the Chickasaw Nation, and staying that length of time, when they left there, have they made their home in the Cherokee Nation since that time? A They have not been back to live or stay any while since they left the last time, but they left a good many of their friends there and kept saying they were coming back.
 Q That was about six years ago? A It was not that long since they went away, it was not but four years ago.

MR. HASTINGS: After they came up here to the Cherokee payment they stayed until—for a while—and went back? A They never drew the payment, they were not here at that time.
 Q They came after that time? A Yes sir, came right after the Strip payment.
 Q How long did they stay that time, and where did they stay? A About Tahlequah about six miles, and then went down on the Illinois River.
 Q On whose place did they live? A On their own place, until they lived on the Illinois River.
 Q What became of that place? A I think mother sold the improvements to someone else when she left.
 Q She sold it? A Yes sir, the improvements.
 Q Do you remember what year they lived here the last time? A No sir, I don't.
 Q Have you any way in mind by which you could figure it out, any thing you can tell it by, or any children or anything of the kind? I thought maybe you could fix the time some way in that way.
 Q It has been about five years ago, they stayed about a year.
 Q About four years ago? A Yes sir.
 Q Since that time they have not been back up here? A My mother came back, and my brother too.
 Q I mean to live? A No sir.
 Q How long did your mother stay up here when she came? A About four months, I think.
 Q About four months? A Yes sir.
 Q With that exception she has not been back up here? A No sir.
 Q Nor your brother, either? A No sir.

MR. COMMISSIONER: Has your step-mother married since the death of your father? A Yes sir.
 Q Who did she marry? A Man by the name of Jesse Lane.
 Q Is he a citizen by blood of the Cherokee Nation? A No sir, he is a white man.

MR. HASTINGS: Where did she marry? A In Texas.
 Q When? A About two years and a half ago, I think.
 Q You are twenty-seven years old? A Yes sir.
 Q Did you draw any strip money in 1884? A No sir, we were not here at the time of the Strip payment.
 Q You say your mother was never married before she married your father? A No sir, my mother was a Native.
 Q She was a white woman, was she? A Yes sir, she was a white woman.

Q I believe you stated she died in Tennessee? A Yes sir.
 Q Your father married Corda in Taylor? A Yes sir.
 Q Was there before you came to this country? A Yes sir.
 Q Was this Cordelia Taylor kin to James old Uncle John M. Taylor and Campbell Taylor? A Yes sir, they are connections.
 Q What relation was she to John M. and Campbell Taylor, I mean old John M., blind John? A They were uncles, she was their mother's niece.
 Q You remember your father quite well? A Yes sir.
 Q To what nationality did your father belong, was he a white man? A No sir, he was a Cherokee.
 Q Did he claim to be a Cherokee Indian of his own right, or through his marriage to your step-mother? A He was a Cherokee by blood. That is the way I have always been taught all my life, that he was a Cherokee by blood.
 Q Did he have any relatives in this country? A No sir, not any in this country. He had a sister living here a while.
 Q What was her name? A Eveline Higdon.
 Q Was she a full sister of your father? A Yes sir.
 Q Was Eveline Higdon recognized as a Cherokee citizen here? A No sir, they didn't come but two or three years ago, then they went off.
 Q They were not recognized? A No sir, they didn't come here.
 Q Isn't it a matter of fact that your father was a white man, and that he himself never claimed to be a Cherokee by blood himself personally, but only claimed his rights through this marriage to his second wife, Cordelia Taylor? A My father has always told me, when I was a little child, that he was part Cherokee, and my step-mother is a Cherokee too.

ALEXANDER L. WEST, recalled/

BY MR. HASTINGS: You were just on the stand a moment ago? A Yes sir.
 Q Your post office is Tahlequah? A Yes sir.
 Q You knew Henry Freeland? A Yes sir.
 Q Wasn't Henry Freeland a white man? A He always claimed to be an Indian back yonder.
 Q Was he ever recognized as a citizen by blood? A He was here.
 Q I want to know the truth. I want to know if he was recognized as an Indian of his own right? A He was always said to be an Indian. I don't know that he was. He always claimed to be a Cherokee.. Of course I don't just know it, but that is what he always said.
 Q Did he claim to be a Cherokee by blood here? A Himself, yes.
 Q Did he ever have any relatives in this country? A He had that girl and his boy with him.
 Q I know he had his own children, but did he have any relatives outside of his own family? A Yes sir, had a brother that was living in Vinita. I don't know what became of him.
 Q Was he ever recognized as a citizen in this country? A I don't know, I know that he was here.
 Q Isn't it a fact that he was put upon this roll because of the fact that he had married Cordelia Taylor. A He was recognized as a Cherokee Indian in North Carolina. I don't know how that was done. I know that he married Cordelia Taylor.
 Q Did he marry her back there? A Yes sir, I think it was back there in North Carolina, fifteen or twenty years ago.
 Q She is some kin to Campbell Taylor and John M. Taylor? A Yes, brother's child, I reckon, Cordelia is. They always said back there after the compromise that Henry was a Cherokee. Where he married I don't know.

BY COMMISSIONER: Did you know Cordelia Taylor before she came to this country? A Yes sir.

Q Was she recognized as a citizen by blood, a Cherokee by blood, in North Carolina? A She was, and all her folks was.

Q Do you know whether she is recognized in the Cherokee Nation here as a citizen by blood? A I don't know whether she was or not. She lived here a long time and had a place or two. They lived up yonder by Cherokee and on the Spavins, and on the Standingrock Bottom somewhere by Salaw.

Q She was recognized in the Cherokee Nation here as a citizen by intermarriage, was she not? A I don't know whether she was or not. I never heard anything said about it. All her folks were here, and they were all citizens.

FRANCIS M. HASTINGS, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: What is your name? A Francis M. Hastings.

Q What is your age? A Forty-one.

Q What is your post office? A Tallapoosa.

Q Do you know Henry Freeland? A Yes sir.

Q Do you know his wife Cordelia? A Yes sir.

Q How long had you known Henry Freeland? A I have known him since I was about twelve years of age.

Q Where did you first know him? A North Carolina, Cherokee County.

Q What was Henry Freeland recognized as, a white man, citizen of the United States, or a Cherokee Indian? A I never knew him only as a white man until he came to this country.

Q Ever hear of his claiming back there to be a Cherokee by blood?

A No sir.

Q You always understood that he claimed through his wife Cordelia Taylor? A Yes sir.

Q She claimed to be a Cherokee by blood? A Yes sir, she was a Cherokee by blood.

Q She is a niece of John M. and Campbell Taylor? A Yes sir. She was a niece of my mother's.

Q Then he married your first cousin? A Yes sir.

BY COMMISSIONER: Did you know Cordelia Taylor after she came to this country? A Yes sir.

Q Did she come with Henry Freeland as his wife? A Yes sir.

Q She was never recognized here as a citizen by blood of the Cherokee Nation? A No sir.

Q You said a moment ago that she was recognized as a citizen by intermarriage? A A citizen by blood. She was recognized as a citizen by blood in the old Cherokee Nation.

Q I am speaking of this Cherokee Nation. Was she ever recognized in this Nation as a citizen by blood? A No sir, not that I know of. She was always known back there. I was just telling where the mistake came in, that she was not recognized here as a citizen by blood.

Q These people had gone to Texas when you came out here? A Yes, they had gone to Texas or Mexico, Texas I think.

Q About when did they come back up here? A The second year after the payment.

Q In 1896? A In 1896 I think.

Q About how long did they remain here? A About four years.

Q Then they left and went back where? A Freeland died here above Tallapoosa, and his wife went back to the Chickasaw Nation and Texas.

Q She married there? A Yes sir.

Q She took these children, with the exception of Mrs. Lawler, with her? A They all went together.

Q Did Mrs. Lawler go with them when they went the last time?

A Went there and came back. They all went together, but she came back.

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1. The first part of the report is a summary of the work done during the last year. It is a very brief summary, but it gives a good idea of the work done. It is a very good summary, and it is very well written. It is a very good summary, and it is very well written.

2. The second part of the report is a summary of the work done during the last year. It is a very brief summary, but it gives a good idea of the work done. It is a very good summary, and it is very well written. It is a very good summary, and it is very well written.

3. The third part of the report is a summary of the work done during the last year. It is a very brief summary, but it gives a good idea of the work done. It is a very good summary, and it is very well written. It is a very good summary, and it is very well written.

4. The fourth part of the report is a summary of the work done during the last year. It is a very brief summary, but it gives a good idea of the work done. It is a very good summary, and it is very well written. It is a very good summary, and it is very well written.

5. The fifth part of the report is a summary of the work done during the last year. It is a very brief summary, but it gives a good idea of the work done. It is a very good summary, and it is very well written. It is a very good summary, and it is very well written.

6. The sixth part of the report is a summary of the work done during the last year. It is a very brief summary, but it gives a good idea of the work done. It is a very good summary, and it is very well written. It is a very good summary, and it is very well written.

7. The seventh part of the report is a summary of the work done during the last year. It is a very brief summary, but it gives a good idea of the work done. It is a very good summary, and it is very well written. It is a very good summary, and it is very well written.

Q How long was she gone the last time? A About two years, I think

APPLICANT RECALLED.

MR. HASTINGS: Did you go with your step-mother, after your father died, back to Texas? A Yes sir.

Q Were you present when she married down there? A No sir.

Q Where were you when she married? A In this country.

Q Had you returned here? A Yes sir.

Q How long did you remain in Texas when you went back last time.

A I don't think I stayed but a month in Texas, and stayed in the Chickasaw Nation a little while.

Q About how long? A It was three or four months, I think, then I came to McAlester and stayed there a few months and came back here.

Q How long were you gone altogether? A About a year and a half.

Q When did you come back here? A It will be two years this fall, I think.

Q Then you came back in the fall of 1900? A Yes sir.

Q How many children have you? A Just one living.

Q This last one you have enrolled (birth certificate) just now?

A Yes sir.

Q It was born here? A Yes sir.

BY COMMISSIONER: You have one child that is dead? A I have three that are dead.

Q Your oldest child that was born in Texas? A Yes sir, it would have been ten years old.

MR. HASTINGS: Where was your second one born? A In the Chickasaw Nation.

Q After you left Texas before you lived here? A Yes sir.

Q Where was the third one born? A Born on the Illinois River.

Q That was when you came back here the first time after you had been to Texas? A Yes sir.

Q The fourth child was born here? A Yes sir.

It is ordered that a copy of the testimony in this case as given above be filed with and made a part of the record in the case of Cordelia Lane and her children, Lula E. Freeland and others, Cherokee doubtful case No. D-3080.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 20th day of August, 1902.

John C. Benson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-1206.

In the matter of the application for the enrollment of Ebbie Lawler
and Charlie Clifford Lawler as citizens by blood of the Cherokee Nation.

II II II II II II II II

DECISION.

The record in this case shows that on December 10, 1900, Ebbie Lawler appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on August 18, 1902.

The evidence shows that Ebbie Lawler is the daughter of Henry G. Freeland and his wife, Martha, and that she was married in 1890 to one Henry Lawler, a white man. As a result of that marriage, the minor son, Charlie Clifford Lawler, was born on October 19, 1901. He is duly identified by a birth affidavit made a part of the record herein.

From the records of the Commission, it appears that the applicant, Ebbie Lawler, in connection with her father and others, filed her original petition, under the Act of Congress of June 10, 1896, (29 Stats., 321) with the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation, which was denied by the Commission, and no appeal taken therefrom. Never having acquired rights of Cherokee citizenship, the status of Ebbie Lawler determines that of her minor child, Charlie Clifford Lawler.

It is, therefore, the opinion of this Commission that the application of Ebbie Lawler and Charlie Clifford Lawler for enrollment as citizens by blood of the Cherokee Nation should be denied, under the provisions of Section twenty-one of the Act of Congress approved June 25, 1896, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. H. DIXON
Tams Dixoy.
Acting Chairman.

W. H. DIXON
T. B. Needles.
Commissioner.

W. H. DIXON
C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1206

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application of Ebbie Lawler for the enrollment of herself and her minor child, Charlie Clifford Lawler, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Chairman.

Enc. M-233

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1206

Muskogee, Indian Territory, July 17, 1903.

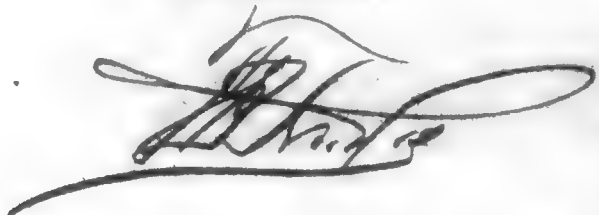
W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, rejecting the application of Ebbie Lawler for the enrollment of herself and her minor child, Charlie Clifford Lawler, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 10, 1903.

Respectfully,



Commissioner in Charge.

FOR ENROLLMENT AS

INDIAN CITIZEN

D-1206

Original testimony, Dec 11, 1904

Memo of application, Dec 11, 1904

Memorandum of transfer

Notice of final consideration, 3/21/05

Cancelled and transferred

to R-877

OK 3/22

Transferred to Cherokee R-877

Division - 8

Cher D 1207

Cher D 1207

EX-80-1801
MAY 17 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Elizabeth Lealey

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[Signature]

Subscribed and sworn to before me this 20th day of May, 1901.

[Signature]

Commissioner

Cherokee by Inter-marriage:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 20th, 1901.

In the matter of the application of Thomas J. Lasley for the enrollment of his wife, ELIZABETH LASLEY, as a Cherokee citizen by inter-marriage; said Lasley being sworn and examined by Commissioner T. B. Hendon, testified as follows:

- Q What is your name? A Thomas J. Lasley.
Q What is your age? A About 49, somewhere near about that.
Q What is your post office address? A Vinita now.
Q What district do you live in? A Cawwassawnee, northwest of here.
(Applicant states that he desires to apply for his wife.)
Q What is your wife's name? A Elizabeth Lasley.
Q What is her age? A About 50 years of age.
Q What is her post office? A Vinita is where we get our mail.
Q Have you any children you want to apply for? A No, sir.
Q Where were you married? A We were married in Arkansas, in Monroe county.
Q When? A '78.
Q Any proof of your marriage? A No, sir, only official proof, we lost our marriage certificate, we were married before the county had license; we have lived here now about 20 years.
Q Have you been living with your wife continuously since you married her? A Yes, sir.
Q Are you her first husband? A No, sir.
Q Was she ever married before she married you? A Yes, sir.
Q Was her husband living? A No, sir, dead.
Q Were you ever married before you married her? A No, sir.
Q She is your first wife? A Yes, sir.
Q She has been living with you continuously since you were married? A Yes, sir.
Q What was her father's name? A Tisdell.
Q Is he living? A No, sir.
Q What is your wife's mother's name? A Tisdell.
Q What blood is your wife? A She is a white woman.
Q You apply for her as an intermarried white? A Yes, sir.
Q Did you apply to have her admitted by the Dawes Commission at the same time you had yourself admitted? A No, sir.
Q Just applied for yourself? A Myself and daughter.
Q Your name is not on any of the rolls of the Cherokee Nation? A No, sir.
Q Is your wife's name on any of the rolls of the Cherokee Nation? A No, sir, I was admitted then by the Courts.

COMR'S EXHIBITS: Upon examination of the records of the Commission the name of Thomas J. Lasley is found as having been enrolled on the 20th of September, 1900. At that time the said Thomas J. Lasley, the husband of the applicant, presented a certificate certifying that he was duly admitted as a Cherokee citizen by the United States Court, case No. 112.

Thomas J. Lasley applies for the enrollment of his wife, Elizabeth Lasley. Her name is not found upon the husband-enrolled roll of 1900. He swears that he was married to her in 1874. He himself was admitted to Cherokee citizenship by the United States Court, Eastern District, in case No. 112, as shown by the records of this Commission. He asked me to temporarily prove as to his marriage. In regard of the fact that his wife, Elizabeth Lasley, does not appear upon any of the rolls and as yet has been recognized as a Cherokee citizen by no authority, her name will be placed upon a separate roll for the further consideration of the Commission. It will be necessary for him to file with this Commission satisfactory proof of marriage to his said wife.

Disputed Inquiry, etc.

J. G. Reeves, being first duly sworn, states that an attorney-at-law in the Commission is the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Reeves

Subscribed and sworn to before me this 20th day of May, 1901.

[Signature]

Commissioner

I, J. O. Rason, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rason

MAILED
FEB 11 1905
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

RECEIVED

6701301

Supl.-G.D.#1207.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of ELIZABETH LASLEY as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902. The applicant this day, to-wit: the 21st day of March, 1902, appears by her husband, Thomas J. Lasley.

Mr. W. W. Hastings, Cherokee Representative, present.

THOMAS J. LASLEY, being duly sworn, testified as follows on part of applicant:

COMMISSION:

- Q What is your name? A Thomas J. Lasley.
Q How old are you? A I am 2 about 49.
Q Your post office address? A Vinita.
Q You have heretofore made application to this Commission for enrollment of yourself wife, Elizabeth Lasley, as a citizen by intermarriage of the Cherokee Nation? A Yes, sir.
Q You have also furnished the Commission with evidence of your marriage to her? A Yes, sir.
Q Is there any further statement that you desire to make relative to the application for the enrollment of your wife? A No, sir.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and moves that the case of Elizabeth Lasley, No. D. 1207, the same being the wife of Thomas J. Lasley, who is on straight Cherokee card 3711, be continued until April, and represents to the Commission that the said Thomas J. Lasley, who appears upon straight card 3711 is a white man and not an Indian; that he obtained his citizenship in the Cherokee Nation before the Commission to the Five Civilized Tribes in 1896 by fraudulent testimony, and there is evidence upon the record that there is a fraud upon the Nation, and they ask that this case be continued until that time for the purpose of taking testimony both in this case and in case of Thomas J. Lasley, straight case No. 3711.

Commission: The mother of the Cherokee Nation will be entertained and case continued until the 5th day of April, 1902, for the purpose stated by the representative of the Cherokee Nation, and the applicant is hereby notified that on said date testimony will be introduced by the representative of the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, between the hours of 8:30 A. M. and 5 o'clock, P. M., tending to disprove the right of the said Thomas J. Lasley and his wife, Elizabeth Lasley, to enrollment as citizens of the Cherokee Nation.

I, J. O. Brown, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Brown

RECEIVED
JAN 24 1905
U. S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

indicated on the back as follows: Thomas J. Lanley vs the Cherokee
Nation, No. 112. Report of Special Master. Filed Nov 30 1897
Jas. A. Winston, Clerk.

was continued by agreement to May 6, 1902.

It is further ordered, so having verified that as aforesaid
to the Commission to the five Civilized Tribes I reported in full
the testimony and proceedings in the above case, and that the
Commission is to make and complete a report of its proceedings and
findings.

RECORDED
INDEXED
JAN 10 1898
U. S. DEPT. OF JUSTICE
DIVISION OF INDIAN AFFAIRS

THAT THE

D. 1297.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 8, 1902.

In the matter of the application of Elizabeth Lasley for the enrollment of herself as a citizen of the Cherokee Nation.

Applicant represented by I. F. Hladnes, Chouteau, I. T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter March 8, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902. Receipt was acknowledged of the Commission's letter, and on said date, to wit the 21st day of March, 1902, the applicant being present, the case was continued by agreement until the 5th day of April, 1902. The applicant this day, to wit the 5th day of April, 1902, appears in person and by his agent, I. F. Hladnes.

MARY LASLEY BARTON, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Mary Lasley Barton.
Q What is your age, Mrs. Barton? A I was born in 1822, that would make me about 80 wouldn't it?
Q Where do you live? A Fryer Creek.
Q You are a Cherokee by blood? A Yes, sir, born and raised in the Indian Territory.
Q What was your father's name? A George.
Q George what? A George Lasley.
Q What was your mother's name? A Sarah Walker.
Q She afterwards married George Lasley? A Yes, sir.
Q And her name then was Lasley? A Yes, sir.
Q Do you know where you were born? A I think I was born in Flint.
Q Flint District? A That is where my father's people lived, in Flint, and I think they made their home there.
Q What was your paternal grandfather, your father's father? A William Lasley, he was a Methodist preacher.
Q He lived in Flint did he? A Yes, sir.
Q Who was your mother's oldest child? A I am.
Q You were born about '22? A Yes, sir.
Q Did your mother have any other children besides yourself? A Had one little boy, died when he was about six months old.
Q Died when he was about six months old? A Yes, sir.
Q What was that boy's name? A George.
Q Named for its father? A Yes, sir.
Q Do you know where it was buried? A Down about the same place that my father was, down near Webbers Falls.
Q When did your father die? A Why he was killed at the beginning of the war.
Q Beginning of the war? A Yes, sir.
Q When did your mother die? A Now I was about five years old; I was too small to remember the date that my mother died, but I was about four or five years old.
Q Well, from your own knowledge or family history? A Yes, sir.
Q Did she die after the war? A Yes, sir.
Q Just a little while after the war? A Well, she was living in Gibson, some little time, two or three years, I don't know exactly how long.

Q Do you know what she died from? A Well, the cholera was raging, she had a slight touch of the cholera, and never did get over the effects of it, she started over to Cincinnati, Arkansas, and died near Tahlequah.

Q That was in '67 or '68? A Yes, sir, it was about '68 I expect.

Q Had you always resided in the Cherokee Nation? A Always, never have lived any other place; well, I lived about the first year after I was married in Arkansas. You know when I lived there.

Q Right across the line, Cincinnati? A Yes, sir.

Q Were you here in 1886? A In Pryor Creek?

Q I may have you in the Cherokee Nation in 1886? A Yes, sir. I have never been out of the Territory to live.

Q Did you ever see this young man here? A No, sir.

Q This second man? (Indicating) A No, sir.

Q Did you ever hear of a reputed brother by the name of Thomas J. Lasley? A Never heard anything about him at all until I came here today.

Q He never came to you in 1886 to get testimony? A No, sir, I knew I have always kept posted, because people generally have white relations on one side or the other.

Q You never heard tell of this man before? A No, sir.

Q He never came to you when he was looking up his claim in 1886 to enroll to testify for him? A No, sir, don't think I would have been—

Q Well, he never did that? A No, sir, because I didn't have but the one brother, and he died when he was a baby.

Q You had no elder brother? A No, sir.

Q Do you know from family history ~~anywhere~~ ~~about~~ ~~when~~ ~~your~~ ~~father~~ ~~and~~ ~~mother~~ ~~married~~? A No, sir, I don't, they never told me, never told me how long that they had been married when I was born; I was born in 1862, and so I suppose they must have been married about '60 or '61.

Q You were their oldest child? A Yes, sir, and they lived in Flint, where my grandfather and all the rest of us children lived.

Q Do you know whether or not your mother ever was cared for any by Dobson Reese or H. D. Reese? A She called it her home, she stayed there part of the time, and part of the she stayed with Dennis Bushyhead's father, Uncle Jesse Bushyhead.

Q Your father have a brother? A Yes, sir.

Q What was his name? A Joe.

Q Joe Lasley? A Yes, sir.

Q Did Joe Lasley have any children? A Had two children, George and Joe.

Q Are they living? A Yes, sir, unless they have died recently, they were living this last summer; they live out near Oiteesa.

Q Do you know whether they are older or younger than yourself?

A They are younger, several years younger.

MR. BLANDIN: What did you say your name was? A Mary Lasley before I was married, Mary Lasley.

Q Who was your father? A George Lasley.

Q Was he the only George Lasley in Flint District? A That is all that I know of.

Q How old were you when your father died? A I suppose I was about two years old, he was killed during the war.

Q You don't recollect then anything about your father? A No, sir, don't remember anything about him.

Q How old were you when your mother died? A I suppose I was about five years old.

Q You recollect but very little then about your mother? A Just a few faint things.

Q You had a brother by the name of George did you not? A Yes, sir.

Q You and George were the only children? A Yes, sir. George was younger than I, I am the eldest.

Q Do you know what became of George? A Why he died when he was a baby six months old, died from the whooping cough.

Q You don't know whether there was any other George Lasley then or not? A No, sir.

Q In Flint District? A No, sir.

Q Did you ever hear anything of a Thomas J. Lasley in Flint District?

A No, sir.

Q How long did you live in Flint District? A Well, I was a baby six months old when the war broke out, well when we first heard the fighting my mother went up to what is known as the old Baptist Mission, and she had a little darkey nurse with her, and they heard the cannons firing: she got scared and went off, and then we all went south. She went south and of course there was a great many of the Cherokee Indians went south. We all stayed there until after the war.

Q Then you know nothing of this Thomas J. Lasley, the applicant in this case? A No, sir.

Q You don't recollect of ever seeing this man? A No, sir. I have always been told everything about my people, and there's a great many people knows more about me than I do myself. And one thing makes me know something about it, I went to enroll on the emigrant roll just a few days ago, last week I believe, and Mr. Duncan, Mr. John Duncan, was making out the roll personally by the relationship, and so that brings it all fresh in my mind. I don't remember what my grandfather—if I was called on to tell who my grandmother's mother was or anything like that I couldn't answer, and so I went for my own benefit as much as anything else, and I know if I had had any brother it would have been down there.

Q Then you don't know any Thomas J. Lasley in Flint District, you know nothing about him? A No, sir.

Q And if this Thomas J. Lasley lives there you know nothing about him? A No, sir.

Q He might have lived there and you have still not known anything about it? (No response)

Q What was your mother's name? A Sarah Walker Lasley.

Q You know nothing about this Elizabeth Lasley? A No, sir. Never have heard of an Elizabeth Lasley.

Q When was George Lasley killed? A He was killed at the beginning of the war.

Q What year was that? A I don't know; I was too small to remember.

Q About what time, as near as you can give an idea? A Well, if I was born in '68 I suppose I must have been about two years old.

Q Then he was killed in '63? A '63 or '4.

Q '64, he was killed about '64? A I don't know anything about it only what I have been told.

Q Do you know where he was killed? A He was killed right where the Illinois River empties into the Arkansas, just below Webbers Falls.

Q Did your mother go south before he was killed? A She couldn't, we went south—

Q How long after he was killed? A I don't know how long, I suppose right away though.

Q You don't have no idea about how long? A No, sir.

Q Was it one, two, three or four years? A Don't remember anything about it at all. I remember very little about my mother, and she had come back from the south before she died. Everything is just like a dream.

Q That is all.

EMMA STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Emma Starr.

Q What is your postoffice, Mrs. Starr? A Grove.

Q What is your age? A 88 years old.

Q You a Cherokee by blood? A Yes, sir.

Q Where did you live before the late war? A I lived in Flint District, born and raised there.

Q Did you know George Lesley, the father of Mrs. Barton who just left the stand? A Yes, sir.

Q Did you know him when he was a single man? A Yes, sir, acquainted with him all my life.

Q I will ask you, Mrs. Starr, when you were married? A '58.

Q Which married first, you or George Lesley? A I did.

Q When did you marry? A About '58 or '60.

Q Did you know his wife? A Yes, sir.

Q What was her name? A Sarah Walker.

Q Do you know whether she ever made her home with Dobson Reese or H. D. Reese, this same woman? A Yes, sir, she made her home there part of the time, and partly raised there. Well, she made that her home.

Q Do you know what ever became of George Lesley? A Yes, sir, he was killed during the war.

Q What became of his wife Sarah? A She went south when he was killed, she was down below Webbers Falls when he was killed.

Q Well did she come back here after the war? A I never saw her no more after she come back. I saw her at the time of the war when I was there.

Q She was here the time of the war? A Yes, sir.

Q Well, up to that time did she ever have a boy by the name of Thomas Lesley? A No, sir.

Q Never had any. Did you ever know of her having a boy by the name of Thomas? A No, she only had one child, when I saw her the last time she had only the little girl Mary.

Q Mary her oldest child? A Mary is the only one that I knew of that she had, but she might have had another one that died after Mary was born. Mary was three or four years old when I saw her last.

Q Quite small? A Yes, sir.

Q Do you know this applicant here, Thomas J. Lesley? A Yes, sir.

Q How long have you known him? A Well, I have known him for, I can't remember dates, but it's been a good while, was fifteen years or so I guess.

Q Where did you know him? A In Grove.

Q Was that in Delaware District? A Yes, sir, he lived in Grove and lived at Southwest, he ran the mail hack from Southwest to Seneca.

Q By what name did he go there? A Tom Lesley. Lesley was his name that I knew him by. Everybody in the country called him Tom.

Q Did you ever have any talk with him with reference to his parents or grandparents? A Yes, sir, he talked to me about his wanting to prove a right, wanted to get a right.

Q Who did he say his father or grandfather was? A Well, he didn't seem to know who his father was, but he said he understood that his grandfather was named Ned Lesley.

Q Ned Lesley? A Yes, sir.

Q Did he know who his mother was? A No, he didn't seem to know, he said if he had any rights he thought he was part Cherokee on his mother's side.

Q Part Cherokee? A Yes, sir, he thought he was part Cherokee too on his mother's side.

Q Well, you at one time knew George Lesley didn't you? A Yes, sir, I knew.

Q Know of him? A He was killed before that.

Q But he didn't at that time contend that his father was George Lesley.

A No.

Q You would have known that? A Yes, sir, because he said that his name, he understood that his grandfather was named Ned Lesley.

Q Ned what? A Lesley. I went to Flint District and asked Gale Starr about it; he asked me to ask him, she was some kin to the Lesleys here, and I asked him, and she said there never was no Ned Lesley that she knew.

Q He got you to make that inquiry? A Yes, sir. Well, I told him when I come back what she said, and you remember it. Yes, told me that there wasn't no Ned Lesley that she knew of.

Q Well, what amount of Indian blood did he claim when you first knew him? A Well, I didn't know when I first knew him he was Tom Lesley.

Q Did he claim to be Cherokee, Creek, Choctaw, Chickasaw or what?

A He must have been claiming to be Cherokee and Choctaw both I reckon, but he wanted me to help him prove his rights as a Cherokee.

Q Well, what did he claim that his mother was? A Didn't say, thought she was a Choctaw, if he had his rights she was part Choctaw on his mother's side. Never said his mother was Sarah Walker. I could have told him Sarah Walker wasn't his mother because I knew her.

Q Well, did you know George Lesley's father in Flint? A Yes, sir.

Q What was his name? A William Lesley, all his children too.

Q Well, you knew George Lesley, you knew him up to the time you married, did you? A Why yes sir, we grew up together.

Q You knew that he didn't marry until after you married? A Yes, sir, I won't say positively that I did, but I don't think he did, I must know. Never would say positively, I can't remember dates, but he didn't marry before I did at all.

Q How this applicant if he was 40 years old in 1886, which would have made him been born in the year 1846, now you know that George Lesley and Sarah Walker weren't married as early as '55 don't you?

A Yes, sir, I knew that, George wasn't married in '55.

Q And you knew that Sarah Lesley didn't have any boy when you saw her when the war was on? A She didn't have any boy that I saw when I saw her last. The last time I saw her she had this little girl, Little Mary.

MR. BLEDSOE: Did George Lesley have a son? A No, he never had any son as I knew of, he might have one that died, but he never had any after the war.

Q How many children did George and Sarah have? A One that I know of, I never saw but the one.

Q How close were you living to them when they were living together as man and wife? A Well, I lived, they was living down on the dirty down below Webbers Falls when he was killed.

Q How far were you from him? A I don't know how far.

Q 25 or 30 or 40 miles? A No, it wasn't that far.

Q How far, half a day's ride? A No, I don't think it was.

Q Some little distance was it? A Don't think it was a great ways.

Q You don't know anything about him and his wife having a child by the name of George? A Tom.

Q You don't know anything about him having but the one child, him and Sarah having but the one? A That is all the child that Sarah had I know that.

J You are positive about it; he was killed whereabouts? A About Webbers Falls, either below or above, I don't know whether the falls is above the mountain.

What year did you say it was that he was killed? A In '55 I think, '51 or 2, about '55 I expect.

When did Mrs. Lesley die? A I don't know when she died, I never saw her after that.

She might possibly have had a child and you not know anything about it?

Q Well, I would know it if she had had one by George I think.

You didn't visit the family very often after she came back did

you? A Didn't live very close to her. She came from the south, and I never saw her no more.

Q Where did you live after they came from the south? A Lived at Tahlequah.

Q How far is that from where you live in Flint? A About eighteen miles or twenty miles.

Q You didn't go over there very often? A Go over where?

Q Over from Tahlequah to Flint? A I went there and staid, that was my home.

Q Well, Mrs. Starr, do I understand you to say that if Alice Snail and Grandma Snail and Mrs. Thornton and John Rattlinggourd, swears that this Thomas J. Lasley is the son of George and Sarah Lasley they are mistaken?

MR. HASTINGS: The representatives of the Cherokee Nation here desire to object because the agent for the applicant is presuming something to be in the record which is positively not in the record because Mrs. Thornton, neither Mrs. Thornton nor Mrs. Snail swear that this applicant is a son of George Lasley by his wife Sarah, but only testify as to the blood of George Lasley and Sarah, and this man depends alone upon proving that he is the son of these people by John Rattlinggourd, who lives near Tahlequah.

MR. BLEDSOE: In the report of the master in chancery the affidavits of the following named persons appear there: Thomas J. Lasley, J. J. McGhee, John R. Gourd, Martha Ann Grimstead, Mrs. Ann Thornton, James M. Bell, C. L. Washburn, James E. Harlin. Do you know a man by the name of John Rattlinggourd, Mrs. Starr? A I knew a John Rattlinggourd that lived at Claremore, he is dead now.

Q You don't know the one that lives over near Tahlequah? A No.

Q Is there a John Gourd living near Tahlequah? A I don't know.

Q In fact then you know nothing at all about this Thomas J. Lasley, this applicant here, that is you don't know anything about his parentage? A Not a thing.

Q That is all.

R. M. WALKER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A R. M. Walker.

Q What is your age? A 47.

Q What is your postoffice? A Fort Gibson.

Q How long has that been your postoffice? A Since the winter of '88.

Q Did you know George Lasley? A No, sir.

Q Did you know his wife, Sarah Walker? A Yes, sir.

Q What relation if any was she to you? A She was my aunt, my father's sister.

Q Did you know either from personal knowledge or family history whether she lived with H. D. Reese a while? A I understood so, yes, sir.

Q Do you know Mary Barton, who just left the stand? A Yes, sir.

Q Is this woman you speak of her mother? A Yes, sir.

Q Do you know either from personal knowledge or family history about when Sarah Walker and George Lasley were married? A Oh I think they were married about the breaking out of the war, they were married just before we all left home. We went north in '62 and I remember of her name being Lasley at that time.

Q Did you know her after the war? A Yes, sir.

Q Did she come back to Fort Gibson? A Yes, sir, she was in Fort Gibson when we came back.

Q Did you see her? A Yes, sir, I seen her in Fort Gibson, was there in '88.

Q Did she have any children with her? A Yes, sir, she had one daughter.
 Q Did she have any other children? A No, sir.
 Q Did you ever know of a child of hers by George Lasley by the name of Thomas J. Lasley? A No, sir.
 Q She was your aunt? A Yes, sir, she was my father's sister.
 Q This Mary Barton who just left the stand is your first cousin? A Yes, sir.
 Q Do you know the applicant here, Thomas J. Lasley? A No, sir.
 Q You were living out at Fort Gibson in '88 were you? A Yes, sir.
 Q This man ever make any inquiry about his father or mother from you? A Never did, no sir.
 Q Never heard of him before? A Yes, sir.
 Q You never heard of him then? A No, sir.
 MR. BLENKIN: Did you know George Lasley, Mr. Walker? A I heard of him, I was too small to know.
 Q You didn't know him? A No, sir.
 Q When were you born, Mr. Walker? A 1854.
 Q Then you were quite small up to the commencement of the war? A Yes, sir, I was six or seven years old.
 Q Do you know whether George Lasley and Sarah Lasley ever had a boy or not? A Do not.
 Q In fact you don't— A I understood that they had a child younger than Mrs. Barton, but died.
 Q You don't know anything about it of your own knowledge? A No, sir.
 Q You don't know anything about this applicant here? A No, sir.
 Q Do you know when George was killed? A Do not of my own personal knowledge, no sir, he was killed in the beginning of the war, sometime after the war commenced.
 Q That is all.

MR. HASTINGS: The Cherokee Nation covers in evidence all of the testimony filed by the said Thomas J. Lasley before the Commission to the Five Civilized Tribes in 1886, the same being found in Court No. 112, and calls attention to the affidavit made by T. J. McGhee November 29, 1893, in which the name of applicant is spelled Lasley; and attention is further called by the representatives of the Cherokee Nation to the fact that none of the witnesses whose affidavits are filed in that case state that the applicant is a descendant of this George Lasley and his wife, Sarah Walker except perhaps John N. Beard, the testimony in all of these affidavits being as to the Cherokee blood of the said George Lasley and his wife, Sarah Lasley nee Walker, but not connecting the applicant with these parties as his parents.

Said documents read as follows:

REGISTERED RECEIPT.

Postoffice at Vinita, Sept 7 1896 Cherokee Nation, Ind. Terr.

Registered letter) No. 125, Recd. 1896 of M. H. Edmiston addressed to H. H. Hayes, Tahlequah, I. T.

H. A. Fryer & P.M.

SERVITOR AFFIDAVIT.

Indian Territory, }
 Cherokee Nation. } ss.

I, R. L. Matinill, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the postoffice at Vinita, I. T., addressed to H. H. Hayes, Governor or Chief of the Cherokee Nation.

Cherokee Nation, Tahlequah, Ind. Terr., that registry receipt, No. 526, hereto attached, is a receipt for said package, which contained true copies of the application of Thomas J. Lasley and of the affidavits of Thomas J. Lasley, A. M. Thornton, James M. Bell, T. J. McGhee, G. L. Vashburne, John R. Beard, James E. Harlin, Ann Crinstead in support of same. That affiant has no interest in this matter.

R. L. Radisill.

Subscribed and sworn to before me this 7 day of September, 1896.

(SEAL)

Harry E. Don-Charles,
Notary Public, My Commission Ex-
pires May 11th, 1900.

APPLICATION.

To the Honorable Commission to the Five Tribes, authorized to hear and determine rights to citizenship in the Cherokee Nation:

Your petitioner, Thomas J. Lasley, for himself and for other members of his family mentioned below, applying for enrollment as Cherokee citizens, states:

That he is the son of one George Lasley and the said George Lasley is the son of William Lasley and the said _____ is the _____ of _____.

That the said George Lasley and Sarah Lasley (his wife) was ancestor of petitioner, was Cherokee Indian by blood, and was duly acknowledged member of the Cherokee tribe of Indians, and that from said ancestor petitioner derives Cherokee blood, entitling him to citizenship in the Cherokee Nation in the Indian Territory.

That the names of said Indian ancestors should be found on the rolls taken and made by the Cherokee Nation in 1835, 1848, 1861 and 1888.

Your petitioner further states that upon or about the 17th day of November, A.D. 1896, application was made by him to the duly constituted authorities of the Cherokee Nation for admission as a citizen thereof and to the rights, benefits, and privileges appertaining thereto, which application was refused or not acted upon by said authorities.

Your petitioner further says that he has always been and is now ready and willing to become a resident and citizen of said Nation and subject to its laws and usages and to assume his portion of the burdens of government.

The age of your petitioner is about 40 years; his postoffice is Southwest City, Mo.; and his family, by virtue of their Cherokee blood consist of the following named persons: Martha E. Lasley (daughter);

Wherefore your petitioner prays that he and his said descendants be enrolled as Cherokee citizens.

Thomas J. Lasley.

Subscribed and sworn to before me this 2 day of Sept. A.D. 1896.

F. S. Stanfield,
Notary Public.

(SEAL)

My commission expires September 17th, 1899.

Cherokee Nation,)
Indian Territory.) ss.

Thomas J. Lasley being duly sworn on oath says: He is the son of Geo. Lasley and the said George Lasley is or was the son of Wm. Lasley; that said George and William were Cherokee Indians by blood and were citizens of the Cherokee Nation, I. T., and are recognized

and on the Cherokee rolls, and affiant believes Wm. Lesley's name appears on the Cherokee Indian rolls, of 1838 and also the name of Geo. Lesley. That affiant or ancestors have never, taken to his knowledge allotment in the old Nation or upon Indian Neutral Lands; that Martha E. Lesley is 14 years of age and a daughter of affiant, and that affiant was born and resides in the I. T., and his said daughter also was born in said Ter. and affiant is about 48 years of age.

Thomas J. Lesley.

Subscribed and sworn to before me this 3^d day of Sept. 1896.

W. S. Stanfield,

Notary Public, My Commission expires
September 17th, 1899.

(SEAL)

AFFIDAVIT.

Indian Territory, }
Cherokee Nation. }

In reference to the claim of Thomas J. Lesley for Cherokee citizenship, personally came before me, a notary public within and for the Northern Judicial Division of the United States Court for the Indian Territory, Mrs. A. M. Thornton, who I hereby certify is a respectable and credible person, and declares in relation to the aforesaid claim as follows:

That she is a citizen of the Cherokee Nation, resides in Delaware District, has lived there twenty-five years; that she has known the claimant for about ten years, was acquainted with George Lesley and his wife Sarah, whom claimant says were his parents. That George Lesley's wife's name before he married her was Sarah Reese, an adopted daughter of H. B. and Rachel Reese, and she was a full blooded Cherokee, but George Lesley did not look to be more than a half blooded Cherokee, both were recognized as Cherokee citizens. That the last time she saw them was in 1861, then they had a little boy by the name of Thomas or Tenny as they called him. That she does not know what became of them after 1861 as she herself went to Texas until after the war. That she also knew George Lesley's father whose name was Bill Lesley and also his wife who was part Cherokee.

Who further declares that her post office address is Southwest City, Mo., and that she is not interested in the said applicant or concerned in the prosecution of his claim.

A. M. Thornton.

Sworn to & subscribed before me this 14 day of August, 1896.

T. S. Roman,

Notary Public.

Comm. expires April 19, 1900.

(SEAL)

Entered on the back: Affidavit of Mrs. A. M. Thornton.

AFFIDAVIT.

Indian Territory, }
Cherokee Nation. }

In reference to the claim of Thomas J. Lesley for Cherokee citizenship, personally came before me, a Notary Public within and for the Northern Judicial Division of the United States Court for the Indian Territory, Mrs. E. A. Smith, who I hereby certify is a

respectable and credible person endorses in relation to the
aforesaid claim as follows:-

That she has been personally acquainted with the above claimant
for about 14 years that she knew his father, his grandfather and
grandmother; his grandfather's name was Bill Lasley, and his grand-
mother looked to be a full blooded Cherokee, his father's name was
George Lasley. His grandfather came to the Cherokee Nation about
1853, and enjoyed the full privileges of Cherokee citizenship. That
she does not know of a certainty that this claimant is the son of
George Lasley, because she moved away from where they lived before
George Lasley was married, but that she said claimant favors said
George Lasley very much.

She further declares that she is a full blooded Cherokee,
that her P. O. address is Hughes, Cherokee Nation, and that she is
not interested in the said applicant, or concerned in the prosecution
of his claim.

Witness W. J. Wilson

her
M. A. I Enail
mark

Sworn to and subscribed before me this 14th day of August, 1898.

T. W. Hansen,
Notary Public.

Comm. expires April 19, 1899.

(SEAL)

Endorsed on back as follows: Affidavit in reference to claim of
Thomas J. Lasley for Cherokee citizenship.

United States of America,
Western District of Arkansas,
Cherokee Nation,
Tahlequah Dist.

James M. Bell, after being duly sworn, says his postoffice
address is Hebe, O. T. that he was well acquainted with George Lasley
in Flint Dist. O. T. about the year 1848. He the said Georg Lasley
was a Cherokee Indian by blood, and was the son of William Lasley.

James M. Bell.

Sworn to before me the 17 day of November 1898.

(SEAL)

William F. Ramsay,
United States Commissioner.

Tahlequah District,
Cherokee Nation, I. T.
November 29th, 1898.

On this day personally came before me, clerk in and for said
District, the aforesaid T. J. Hughes, ex-clerk Dist. U. N.,
who after being duly sworn as the last direct states that he has known
Thomas J. Lasley for about fourteen years and he has been living
in Tahlequah District, Cherokee Nation, during this time and I further
state that he has made it known that he wanted to be readmitted
back to all the rights and privileges as a Cherokee as he wishes to
remain among his people the fullness of his days as he was a Cherokee
by blood and entitled to all the rights and privileges in the Cherokee
Nation, and any other Cherokee.

T. J. Hughes.

Sworn to and subscribed before me on this the 29th day November, 1898.

E. M. Downing.

Not. Clerk Tahlequah D. N.

Endorsed on back: Affidavit T. J. Hughes.

State of Missouri, } ss.
County of McDonald.

Personally appeared before me, a notary public for McDonald Co. Missouri, C. L. Washbourne, a person of lawful age who being duly sworn makes the following statement.

In the year of 1893 while representing Delaware District in the Senate of the Cherokee Nation I had the honor of being Chairman of the Joint Committee to revise and correct the Census returns of Delaware District, C. N., and while in that capacity I called on the late Mrs. John W. Stapler of Tahlequah at the request of Thomas Lasley an applicant for enrollment as a Cherokee citizen by blood to see what Mrs. Stapler could tell me in regard to said Lasley's right to Cherokee citizenship—I give this statement from memory alone as whatever note I made of it at the time or lost or destroyed and I shall give it just as she told me to the best of my knowledge and remembrance. Mrs. Stapler said that she knew Sarah Reese well—went to school with her she was an orphan girl and grew up in the family of Deason Reese and took his name that she was a Cherokee by blood and married George Lasley who was also a Cherokee by blood and well known by her—saw very little of her friend Sarah after her marriage but that both she and her husband were both undoubtedly Cherokees by blood.

Did not know Thos. Lasley in person but if he could establish the fact that he was the son of Sarah and George Lasley that he was without doubt a Cherokee by blood and that he ought to be enrolled by the Committee as such. and further said that if Thos. Lasley was a son of Sarah and George Lasley that it was a shame that he should be put to so much trouble or that his citizenship should be called in question at all as both his father and mother were Cherokees and lived and died in this country.

C. L. Washbourne.

Sworn and subscribed to before me this 25th day of August, 1896.

D. E. Havens,

Notary Public.

(SEAL)

Commission expires Mar 26 1900.

Endorsed on the back (No endorsement).

United States of America, } ss.
Western District of Arkansas.

In the matter of the claim of Thomas J. Lasley for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee authority at Tahlequah, Ind. Terry.

Personally appeared this day before me, William F. Rasmus, a Commissioner of the United States District Court, within and for the district aforesaid, duly authorized to administer oaths, John R. Gourd, to me personally well known to be entitled to credit before any of the courts of the Cherokee Nation, and who being by me duly sworn according to law deposes and says:— I am an acknowledged Cherokee Indian by blood, and a bona fide citizen of the Cherokee Nation, resident in Tahlequah Dist. C. N. and I am a member of the present Cherokee National Council—my age is seventy-four years—my postoffice address is, Tahlequah, Ind. Territory—I am a farmer by occupation—and affiant further declares and in relation to the above named case as follows, to wit: I recognize the claimant, Thomas J. Lasley, now present to be the same Thomas J. Lasley I knew in Flint District, Cherokee Nation, from the time he was a small boy up to the commencement of the late war of 1861-3, and from then on I did not meet him again until November 1891. When after an extended conversation had with him, I was fully satisfied and convinced beyond any doubt that he was the same person I had known in Flint Dist. C. N. as before stated—at the time first above referred to, claimant lived with his parents in said Flint

Dist. C. W. his father was George Lasley, and who was generally well known in said District, and that he was an acknowledged Cherokee Indian by blood, and a bona fide citizen of the Cherokee Nation-- Said George Lasley, I know to be the son of William Lasley from whom he derived his Cherokee Indian blood--the said William Lasley I know in the old Cherokee Nation, and as a Cherokee Indian by blood, and whose name should appear on census rolls of Cherokee Indians as early as 1835, he was an old settler Cherokee, and must have received his passport as such and also for his son George Lasley--William Lasley died and was buried in Flint Dist. prior to late war--my information is that, said George Lasley was killed in Southern part of Flint Dist. S. W. during the late war--I have no reason to doubt the Cherokee Indian blood of the claimant, Thomas J. Lasley and am convinced of the fact that he is such.

his

John R. Gourd.

mark

Subscribed and sworn to before me at Tahlequah Ind. Terr. this the twenty eighth day of November, A. D. 1893.

Wm. F. Knapp,

United States Commissioner.

(SEAL)

Grove Ind. Terr.

November 7 1893.

Personally appears before me a notary Public in and for 1st Judicial Dist. Ind. Terr. James E. Harlin age 45 years, a resident of Grove, Ind. Terr. and to me well known and entitled to credit. Testifies in aforesaid case as follows, to wit:

I was well acquainted with William Lasley and Peggy Lasley his wife, who lived in Flint Dist. Cherokee Nation. I lived neighbors to them for 8 years from 1840 to 1848 when I left that neighborhood. I was also personally acquainted with 2 of their sons, Samuel Lasley and George Lasley, who attended the Henry Hill School in Flint Dist. and they were recognized as Cherokees. I am also personally acquainted with Thomas Lasley, the applicant for citizenship and have been acquainted with him for the past 14 years. And he has always claimed to me that he was a Cherokee by blood and a son of George Lasley and a grandson of William and Peggy Lasley.

James E. Harlin.

Sworn to and subscribed before me a Notary Public this 7th day of November, 1893.

T. N. Remond.

(SEAL)

Pageville Ky.

This is to certify that I, the undersigned know T. J. Lasley is a son of George F. Lasley of the Cherokee tribe of Indians, and that S. F. Lasley, now Rogers, is a niece of T. J. Lasley's, being a daughter of his eldest brother W. W. Lasley further proof of the above statement can be had from W. A. Vickman of Greenville Station, Ala. and T. B. Sulston, Georgia, Ark.

Martha Ann Grinstead.

Subscribed by W. A. Grinstead and sworn to before me this 27 day of January, 1894.

N. Y. Knapp, J. F. E. G.
Locustky.

The agent for the applicant offers in evidence a copy of the report of Special Master in the matter of the application of Thomas J. Lasley et al for admission to citizenship in the Cherokee Nation; said report being as follows:

Thomas J. Lasley
Martha E. Lasley,
vs No. 118.
Cherokee Nation.

Mr. Edgar Smith, Special Master to whom this case was referred, submits the following report:

IN THE UNITED STATES COURT OF THE INDIAN TERRITORY,
NORTHERN DISTRICT AT MUSKOGEE.

Thomas J. Lasley
vs No. 118. Report of Special Master.
The Cherokee Nation.

I, Edgar Smith, Special Master herein, respectfully submit to the Court that under and by virtue of the order of reference by the Court heretofore made I have examined the pleadings and proof in the above entitled cause which are filed herewith and made a part of this report, and that I heard the testimony of witnesses as provided by order of Court June 11th, 1897, which testimony is filed herewith, and I find as follows:-

-I-

That this cause was instituted on the 7th. day of Sept. 1896 by filing before the Commission to the Five Civilized Tribes the application of the following named persons to-wit:-

Thomas J. Lasley, Martha J. Lasley.
Praying enrollment as Cherokee Indians by blood and claiming through George Lasley who is alleged to have been a Cherokee Indian by blood;

That on the 7th. day of Oct. 1896 said appellee herein filed demurrer and answer herein;

That on the 8th. day of Nov. 1896 said application was by said Commission denied no reasons being given therefor;

That on the 28th. day of Dec. 1896 said applicants appealed from said decision to the District Court of the United States sitting at Muskogee Indian Territory.

-II-

That said applicants filed in support of their application the affidavits of the following named persons to-wit:-

Thomas J. Lasley,	Mrs. A. M. Thornton,
M. A. Snail,	James M. Ball,
J. J. McGhee,	C. L. Washbourne,
John R. Gourd,	James E. Harlin,
Martha Ann Grinstead;	

That appellee herein filed no proof in support of its answer.

-III-

That the said Thomas J. Lasley is a son of George Lasley and Sarah Lasley;

That the said George Lasley was a son of William Lasley;

That the said Martha E. Lasley is a daughter of the said Thomas J. Lasley;

I find that the said Thomas J. Lasley and Martha E. Lasley are lineal descendants of George Lasley;

That the said George Lasley was a Cherokee Indian by blood and so recognized and enrolled since the removal of the Cherokee Nation west to its present location;

That the answer of said appellee admits this allegation of application and sets up that said said applicants have not complied with the law;

That said George Lasley was the son of William Lasley who was a recognized member of the Cherokee Tribe of Indians east of the Mississippi River and who came to the Cherokee Nation Indian Territory where he enjoyed complete rights as a Cherokee Indian citizen and where he resided up to the time of his death;

That the said George Lasley resided in the Cherokee Nation

up to the time of his death;

That the said Thomas J. Lasley was born in the Cherokee Nation as was the said Martha E. Lasley;

That the affidavits speak of the respective affiants having known the said Thomas J. Lasley for many years as a resident of the Cherokee Nation;

That the proof does not show that the said Thomas J. Lasley ever removed from said Cherokee Nation;

That it appears in 1876 said Thomas J. Lasley made application to the Cherokee Authorities readmission but that it is not shown whether said application was ever acted upon.

-7-

Appellants contend, they having shown that they are Cherokee Indians by blood and that their ancestor through whom they claim is-wit: George Lasley father and grand father respectively of these applicants, was a recognized and enrolled Cherokee Indian citizen by blood of the Cherokee Nation since the removal west of said Nation to its present location and they were born and continued to reside in the said Cherokee Nation, that they are entitled to be enrolled as Cherokee Indians citizens of the present Cherokee Nation;

While appellee set up in its answer aforesaid that said applicants had not complied with the laws no testimony having been offered by said appellee I am not informed as to what appellee contends.

I respectfully ask that a reasonable fee be allowed me as Master herein.

(Endorsed) Masters fee paid.

Respectfully submitted this 28 day of Sept. 1887.

Edgar Smith,
Special Master.

BY THE COURT:

The principal claimant in this case, Thomas J. Lasley is the father of the other claimant, Martha E. Lasley; that Thomas J. Lasley is the son of George Lasley, and that George Lasley was the son of William Lasley. That George Lasley was a Cherokee Indian by blood, and was a recognized and enrolled citizen of the Cherokee Nation since the removal of the tribe to its present location. That William Lasley was a recognized member of the Cherokee Indian tribe east of the Mississippi River, and who came to the Cherokee Nation as now constituted, where he enjoyed the full rights as a Cherokee citizen, and where he resided up to the time of his death. That George Lasley the father and grandfather of the claimants resided in the Cherokee Nation up to the time of his death, and that both of the claimants were born in the Cherokee Nation.

It appears that in 1876 Thomas J. Lasley made application to the Cherokee Authorities for readmission as a citizen of the Cherokee Nation, but it is not shown whether said application was acted upon or not.

It appears that both of the claimants of this case were born in the Cherokee Nation, and that their father and grandfather were recognized citizens of the Cherokee Nation as now constituted. Their application to be enrolled as citizens of the Cherokee Nation never having been passed upon, this Court is of the opinion that they are now entitled to be enrolled as citizens of the Cherokee Nation. The judgment of the United States Commission rejecting these claimants is therefore reversed, and their application to be enrolled as citizens of the Cherokee Nation is allowed, and it is so ordered.

Endorsed on the back as follows: Thomas J. Lasley vs the Cherokee Nation, No. 1121. Report of Special Master. Filed Sep 20 1907. Jas. A. Winston, Clerk.

Case continued by agreement to Nov. 2, 1908.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

she told me that she was a baby; after she went south I
never saw her.

Q Well after she was born and she was south you don't know
anything of her until she came to that country? A No, sir,
I don't know anything of her until she came to that country.

Q She returned to Fort Gibson? A Yes, sir, she was
brought first there at Mrs. Thornton's, I was teaching school there.

Q Mrs. Thornton? A Yes, sir.
Q How many children did she have? A Just one,
a girl, Mary.

I have heard her speak of it many times.

Q What became of George Lasley, the husband? A He was killed.

Q Was George Lasley the father of that child? A Yes, sir, she was the best
child.

Q What was the name of Sarah Lasley, the mother, sir? A They called her in
the fall, Mrs. Lasley.

Q Where was she? A She died up here on Barron Fork.

Q Did you look after that Mary to raise? A Yes, sir.

Q How long did you look after her until she married? A Yes, sir, until
she married.

Q Do you know this Thomas J. Lasley, the defendant? A Never
heard of him till you wrote me about him.

Q Did Sarah Lasley ever have a child by the name of Thomas J.? A
No, sir; she had no children but these two.

Q And the one that died was Mary and little George.

Q Was the one that died named George? A Yes, sir, little baby.

Q THE COURT: You can't find any other George Lasley in the
country, can you, sir.

Q Never did at that time? A Never heard of any other.

Q Did you know of any other Sarah Lasley? A Never heard of any
other.

Q You don't know anything of the father of this boy child except
that he was killed?

Q Nothing, sir, except that he was killed? A No.

Q Do you know Annie Snail and Grandma Snail and Mrs. Thornton?

Q Do you know those people? A Yes I don't know Annie Snail,

I don't remember who that is; she might have been by some other
name; Mrs. Thornton, I don't know who she was.

Q This Thomas J. Lasley, you know nothing about that boy then?

A No, sir, never heard of him till Mr. Hastings wrote that.

COMMISSION: A copy of the testimony in this case is ordered
to be filed in case No. 3711, and is considered as the testimony
in that case so far as the same is applicable.

This case is continued to May 7, 1902, for the purpose of
taking further testimony.

Arthur C. Hastings, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full the testimony and proceedings in the above case, and
that the foregoing is a true and complete transcript of his sten-
ographic notes thereof.

Subscribed and sworn to before me this 8th day of May, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 6, 1902.

In the matter of the application of Elizabeth Lasley for the enrollment of herself as a citizen of the Cherokee Nation.

SUPPLEMENTAL TO D-1267.

Applicant represented by I. P. Hladsee, Chouteau, I. T.
Cherokee Nation represented by W. W. Hastings.

This case was continued from April 5th until May 6, 1902.

JOHN R. GOURD, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A My name?
Q Yes, sir. A John R. Gourd.
Q Where do you live, Uncle John? A Tahlequah, about eight or ten miles, out towards Mayesville Road.
Q How long have you lived there? A Well I reckon about twenty years, I come there about twenty years, twenty odd years, before the late war.
Q Were you living then when the war come up? A Yes, sir.
Q At the same place you are living now? A Yes, sir, at the same place.
Q You are a Cherokee by blood? A Yes, sir, that's what they say; Cherokee by blood.
Q Were you married before the war? A No, just took up with a woman, I was 23 years old, come to this country, just took up with a woman.
Q Well you was living with the woman as your wife up there? A Yes, sir, certainly; but she's dead now.
Q Uncle John, were you acquainted up in Flint District? A Well got acquainted a little, been through there and around about.
Q Now how long before the war had you lived continuously eight or ten miles north of Tahlequah? A Before the war commenced?
Q Yes, sir. A Well I reckon about twenty or twenty-five years.
Q Did you know William Lasley? A Who?
Q Did you know William Lasley? A Lasley?
Q Yes, sir. A Saw them Lasleys, but couldn't say, there was a good many of them there I think, but I don't think I would know them when I see them, and that was, I see them about Tahlequah, well that's about all, Tahlequah, I see them several times.
Q William Lasley? A Yes, sir, if I ain't mistaken.
Q Did you see him since the war? A No.
Q Huh? A No, I don't believe I has.
Q Did William Lasley have any children that you know of? A No, I don't know whether he had any or not.
Q You didn't know of any? A No, sir, I didn't know whether he had any or not.
Q You never heard of William Lasley having any children, did you, Uncle John? A No, sir.
Q You didn't know William Lasley's wife? A No, sir. Once in a while I would see the old man; that would be about all.
Q You never knew anything at all about his family? A No, sir.
Q You never was at his house? A No, no, sir.
Q You don't know what part of the Cherokee Nation he lived in? A No, sir.
Q You say you don't know whether he ever had a son or not? A No.
Q Was William Lasley a young man when you knew him? A No, sir, he was sort of old fellow.
Q About how old do you think? A About, I couldn't say, well he was a grown man, and had a wife, about 40 I reckon, 35 or 40 when I first got acquainted with him.

Q When were you acquainted with him? A Why it's been some time, several years, time of council.

Q How long before the war or after the war was it? A I couldn't say how long before or since, I can't say that.

Q Well have you ever seen him since the war? A No, I don't think I have.

Q You don't know when he died then? A No, sir.

Q Don't have no idea about that? A No, sir.

Q You never heard when he died? A No, he might be living for all I know of, some said he was dead, and some said so on.

Q Well how did you ever know of any of his children at all? A No, sir, never knowed none of them.

Q Did that William Lasley live in Delaware District? A Well some said he lived in Flint and some - don't know whether he lived there or not.

Q Do you know whether he lived in Canadian or not? A No.

Q Well did he have a son by the name of John? A I couldn't say.

Q You don't know whether he had one by the name of Thomas? A No, sir.

Q Didn't know whether he had one by the name of George? A No.

Q Didn't know none of his children at all? A No, sir.

Q If he ever had any children you didn't know it? A I didn't know it.

Q Well you never knew then of John Lasley? A No, sir.

Q You never knew of George Lasley? A No, sir.

Q You are positive about that? A Yes, sir, pretty near, he might have had them, but I couldn't say he had them or didn't.

Q Well you never knew them? A No, didn't know them if I seed them, I didn't know them.

Q Well you never heard of his having one by that name did you? A Well no, I never heard, he might, I couldn't say, no.

Q Well did you ever know George Lasley? A George Lasley?

Q Yes, sir. A No.

Q You never heard of one then? A No.

Q Do you know a Thomas J. Lasley? A No.

Q You never heard of him? A No.

Q You never heard of this applicant, did you, Thomas J. Lasley? A No, sir.

Q Never knew of him? A No, sir.

Q You didn't know who his father was? A No.

Q You didn't know who his mother was? A No, sir.

Q Did you know a girl that Mrs. Charles raised by the name of Mary Lasley? A Couldn't say, no, I don't know now what I used to know.

Q Well did you know her? A I don't think I did.

Q You never knew her father? A No, sir.

Q You never knew her mother? A No.

MR. BLEDSOE: What's your name? A Well, by Battlingourd, but that ain't my right name.

Q You go by the name of John Battlingourd? A Yes, sir.

Q You live down near Tahlequah? A Near Tahlequah, eight or ten miles this side of Tahlequah.

Q Do you know of any other John Battlingourd besides yourself that lives in that country? A No, there was a Battlingourd, he was a nephew of mine, lived in Cooperscove, my brother's son, but I think he's dead.

Q That Battlingourd at Claremore was some other? A Yes, sir.

Q You knew him very well? A He was my brother's son.

Q Now this Thomas J. Lasley, the man, the applicant in this case, in his statement before the Daves Commission, states that he had one John Battlingourd to identify him before the Commission, before the Court; do you recollect of ever having made any statement for him? A Well I can't say as I have said how that was. The people, now the people, are all thereabouts, their neighbors, and then people,

I recollect them now, called them Cherokees while I didn't know nothing about the blood, just what other people said, other people said they were Cherokees, and just the neighbors, because they called them folks Cherokees, and told them I knew nothing about the blood, that people, neighbors, and people said just give them a nickname Cherokees; I didn't know their blood at all; that's all I knew about it; well I recollect that now.

Q Well now do you recollect anybody else that testified in that case there that was there as witnesses for him at that time; now you made your own statement? A Well I think, but he's dead, Wat Christie.

Q Who else? A He was all I could recollect.

Q Was Annie Snail there? A She might have been; I couldn't say that she couldn't.

Q Mrs. Thornton there? A I don't know.

Q Been so long in fact you can't recollect exactly the statement you made at that time? A Yes, sir, the people called them Cherokees, whether they were Cherokees or not I couldn't say; I don't know nothing but just what other people said now, I just took that.

Q The statement then that you made at that time was true to the best of your knowledge and belief? A Yes, sir, yes they was.

MR. HASTINGS: You didn't know anything about it, did you, Uncle John? A No, I don't.

Q They imposed on you, didn't they? A Well just other people said they were Cherokees, and I just thought they was, don't know no better yet.

Q They had you witness in a great many citizenship cases in 1896?

A Yes, sir, I don't know nothing about it, just that way, wanted to get a fee from one of these lawyers and I didn't know.

Q Can you read and write? A No, sir.

Q You didn't know what you was signing and swearing to? A No, didn't swear at all.

Q Didn't swear at all? A They didn't make us swear.

Q You just touched the pen, would you? A That would be all, didn't know the writing.

Q You didn't know anything about this man at all of your own personal knowledge? A No, sir.

Q You don't know anything about his parents? A No, sir.

Q You don't know where he was born or anything about that? A No, don't know anything about it, some said they was Indians and some said they was white folks.

Q You don't know anything about their being Indians yourself? A No, sir.

Q Now you are the only old man by the name of John N. Gourd round Tahlequah? A Yes, sir.

Q You are the man that testified in a great many citizenship cases? A Yes, sir, just that we all called them Cherokees, and I just went by that, don't know whether they were Cherokees or not, what other people said.

Q Do you know whether you ever saw this man before or not? A No, sir.

Q You don't ever remember him? A No.

WILLIAM VANE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A William Vane.

Q What is your age? A 58 years old.

Q You used to live at Woburn Falls? A Yes, sir, I was raised there.

Q You are a Cherokee by blood? A Yes, sir.

Q Did you know a George Lealey who was raised in Flint? A Yes, sir.

Q His father was William Lasley? A I didn't know his father.

Q Well did you know George Lasley's wife? A Yes, sir.

Q What was her name? A I'll declare I have forgotten her name, I disremember what her given name was; I knew them, went to the house lots of times.

Q Well did you know what her maiden, not her given, name was; her maiden name? A She was a Walker.

Q She was a Walker? A Yes, sir.

Q Do you know about when they married? A No, sir, I don't know the time they married.

Q When were you at their house? A I was at their house when they lived there, the best I recollect it was in '88, just lived below the town of Vian now, right on the creek, stayed there.

Q Do you know what became of George Lasley? A Yes, sir, he was killed during the war right at the mouth of the Illinois River.

Q Well now do you know Mary Lasley, that Mrs. Quarles raised? A No, sir, I don't know her.

Q Well did they ever have any children? A They had one child when they lived at the falls.

Q One child? A Yes, sir.

Q Do you know whether it was a girl or boy? A I think it was a girl.

Q Well do you know about what age it was at that time? A It was very small then.

Q Do you know whether they had a boy by the name of Thomas J. that was six or seven years old when the war came up? A No, sir, don't have any recollection, didn't have any that I know of, didn't see him.

MR. BLACKBURN: Were you intimately acquainted, Mr. Vann, with the family? A I saw George Lasley, yes, sir.

Q I mean George and his family? A Yes, sir.

Q Do you know how many children they had? A I never saw but one.

Q Never was but one? A No, sir.

Q About how old was that child when you saw it? A Why it was small, just could walk, best I recollect now.

Q Was the father and mother of this child alive at that time?

A When I saw her yes, sir, they lived at the falls, I lived right near there, and the Lasleys was living there when he was killed.

Q He was killed then before his wife, he died first then? A Yes, sir.

Q Well now, Mr. Vann, at his death do you know how many children they had of your own knowledge? A I never saw but one.

Q If they had had more than that would you have known it? A Why I think I would; I lived right there close to them.

Q How close? A About two miles, and I was there at George Lasley's when they brought him home from where he was killed.

Q You don't know then that George and his wife ever had but the one child? A Yes, sir, that's all I know of.

Q You don't know positively the sex of that child? A No, sir.

Q Where did Mrs. Lasley go after the death of her husband, how long did she remain there? A Why I don't recollect how long she stayed there.

Q Now when was the last time you recollect of seeing her and that child? A Why it was just shortly after George Lasley was killed.

Q They left there then, did they, they left? A Everybody left that country.

Q Have you seen her any since? A No, sir.

Q Have you ever seen the child since? A Not that I know of.

ELIZABETH DRUM, being first duly sworn, testified as follows:

Q What is your name? A Elizabeth Drum.

Q What is your age? A Couldn't tell you my age.

Q Well you are about 70? A Over 70.

Q What is your postoffice? A Campbell, I. T.

Q Did you ever know a Charles by the name of George Lasley? A Yes, sir.

Q What was his father's name? A William Lasley.

Q Was he any kin to you? A Yes, sir.

Q What? A He was first cousin to my mother, their mothers were sisters.

Q Did you know his wife? A Lasley's?

Q George Lasley's wife? A Yes, sir, I knowed her.

Q Who did he marry? A He married Sarah Walker.

Q About what time did they marry? A Well away along I couldn't tell you just exactly what year they was married; they was married a good little bit before the war.

Q Did they ever have any children? A Yes, sir.

Q Well how many children did they have? A They had one when the war broke out.

Q That was its name? A Mary.

Q Mary? A Yes, sir.

Q Is that the only one they had at that time? A She had one after Lasley was killed.

Q After Lasley was killed? A Yes, sir, it was about a month or two maybe after he was killed it was born.

Q What became of that child? A It died.

Q It died? A Yes, sir.

Q Were those the only two children that she ever had? A That's all that I know of, the only ones she ever had; you know he was killed first of the war.

Q During the first of the war? A At the mouth of the Illinois.

Q Mouth of the Illinois? A Yes, sir.

Q Did you know this woman after the war? A Yes, sir, I knowed her, I knowed Sarah after the war, and stayed with her.

Q You did? A Yes, sir, and then took the child, took it and kept it by the month at my house, she took the cholera and never did get over it.

Q She never did get over it? A She never did get over it.

Q You took the child? A I took the child home with me, brought home the child.

Q That's the only child she had then? A That's the only child she had living.

Q The other died while it was a baby or while it was small? A When it was young.

Q What was the name of this child you took home with you? A Mary.

Q That was her oldest child, was it? A That's the oldest child, the first child.

Q And the only one that ever lived? A Only one she ever raised, I knowed her well.

Q Who raised Mary? A Well Carrie took her after Sarah died, Carrie Bushyhead.

Q She afterwards married Mr. Quarles? A I believe so, after she was married.

Q She married, Carrie Bushyhead married Quarles? A Yes, sir.

Q Do you know who Mary married? A I forget his name.

Q Did you ever hear it? A Yes, sir.

Q Would you know it if you would hear it called? A I don't know, she got off and went her to school away from us so long, I might forgotten who she did say.

Q You have never seen her since she married? A No, sir, never did see her.

Q Well did you ever hear her husband was named Barton? A Yes, sir, knew his name, but I forget. But that's the one; she had a broad head you know; we tried to doctor it when it was a little baby.

it was doctored a heap, George Lasley was close kin to me.

Q You never heard of this applicant Thomas J. Lasley did you? A No.

Q You never saw this Thomas J. Lasley, that's applicant here? A I didn't know him.

Q You never heard of him? A No, sir, because the only wife Lasley ever married you know, George.

Q You mean Sarah Walker was the only wife George ever had? A That's the only child - only wife he ever married, never did marry before because I knowed them ever since they was little children like.

Q Now Mrs. Drum do you remember this man, claims that he was the son of George and Sarah Lasley and about five or six or seven years older than Mary? A It ain't them folks's children, it ain't George Lasley's child, nor neither Sarah's.

MR. BLEDGE: How far, Mrs. Drum, did you live from this woman's house when her husband was killed? A I lived about two or three miles, you mean George Lasley?

Q Yes. Now were you living at that distance from them when this child was born? A No, sir, the last child; the first one I was living right by the place there now, and they lived on you know about nine or ten miles away; I was down there.

Q You was there when the child was born? A Yes, sir.

Q Now how far were you living from them when this little boy that you speak of was born? A I was living at the same place, but they was across the river then, I couldn't tell you how many miles, I don't know exactly where she lived; it was after her husband got killed; I don't know, Mr. Benge I guess would know.

Q Who was she living with after that? A Well, I don't know; it was a long time to be said about to me.

Q The truth of the business is that you don't know what became of those children of your own knowledge, do you; do you know of your own knowledge that the boy was actually dead? A I know the child died because she told me.

Q You didn't see the child buried? A But then you don't have to see it, because anyone dies; well I know that it was dead.

Q Of your own knowledge you don't know what ever become of this girl child or this boy child or of even the woman herself, do you?

A Don't know what?

Q You don't know what become of them of your own knowledge, only just hearsay, you were all scouting about during the war? A I wasn't scouting about when I had the child with me.

Q How old was the child when you took possession of the child?

A It must have been five or six years old; it might have been a little older.

Q How long did you keep the child? A About a month.

Q Well what become of the child? A I took it back and -

Q Took back to who? A To her mother, to Fort Gibson.

Q And where were you living then? A Webbers Falls where I lived.

Q About how many miles is that from where you lived to where you took the child? A Well I don't know, about 20 or 22 or I maybe.

Q You didn't see them very often that distance; how often did you see her and these children? A The little girl I had with me?

Q After you took her back? A Why they moved, after they moved to Tahlequah, her folks moved.

Q How far was that then from where you lived? A I couldn't tell.

Q Thirty or forty miles, was it? A I guess so.

Q How often did you see them? A Oh well, I didn't see them many more times after Sarah died, because I couldn't follow them around to see.

Q The fact of the business is then of your own personal knowledge you don't know what become of this child? A Living the last time I heard from her.

Q Well I say of your own personal knowledge, though, you don't know what become of this boy child or this girl child? A The little boy died.

Q Well you didn't see him die? A Well no, but I am satisfied it was dead.

Q That's your best knowledge? A Well of course it is.

MR. HASTINGS: The mother told you it died? A I know because they sent for me, and I stayed with her; her sickness I stayed with her a good little off and on, tried to doctor her up.

J. C. STARR, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. C. Starr.

Q What is your postoffice? A Vinita, I. T.

Q Did you ever live over on Cowskin Prairie near Grove, I. T.?

A Yes, sir.

Q Emma Starr, who testified in this case, is your mother? A Yes, sir.

Q Did you know this applicant, Thomas J. Lasley, over there on Cowskin Prairie? A Yes, sir.

Q By what name did he go over there? A Thomas J. Lasley.

Q About when did you know him? A About '83 or '84, and since then.

Q Do you know where he came from there? A No, sir, I don't.

MR. BLEDSOE: You don't know nothing about this man then in his early days, knew nothing about his parentage or anything of that sort? A No, sir.

ELIZA ALBERTY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Eliza Alberty.

Q What is your age, Mrs. Alberty? A 35.

Q What is your postoffice? A Tahlequah.

Q Did you know George Lasley before the war? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q Who did he marry? A Sarah Walker.

Q Were they Cherokees? A Yes, sir.

Q Did Sarah Walker ever live with Deacon Reese? A She stayed there, made her home there some.

Q Where did you know her? A Well we was raised up together; then she used to live with my mother some; I have known her always, all my life.

Q She lived with your mother some? A Yes, sir, and we were together during the war and went to school together at the seminary.

Q So to school at the seminary before the war with her? A Yes, sir.

Q When was she married to George Lasley? A She was married in the fall of '83.

Q Fall of '83? A Yes, sir.

Q Did she have any children? A Yes, sir.

Q What was her oldest child's name? A Mary.

Q What is her present name? A Barton.

Q About when was Mary Barton born? A Well I couldn't tell you; you remember when the battle was up at Bryansville?

Q Just the beginning the war? A Yes, sir.

Q Must have been in '81 or '82. A Yes, sir, I don't remember when she was born; I saw her for she was just beginning to sit alone the first time I saw her, the child.

Q What became of George Lasley? A He was killed.

Q About when? A Well it must have been, I don't remember the date when he was killed, but it was along the beginning of the war, killed down here at Vebbers Falls.

Q Did his wife have any other children other than Mary? A She had

one.

Q Boy or girl? A Boy.

Q Older or younger than Mary? A Younger.

Q Where was it born? A Well it was born after she left here; I don't know just when. When I met her with this child it was just a few months old; I met her in the Choctaw Nation at Sulphur Springs.

Q Sulphur Springs? A Yes, sir.

Q Do you know what became of that child? A It died there.

Q Were you present when he died? A Yes, sir.

Q It was buried down there? A Yes, sir.

Q Did she ever have any other children besides the two? A No, sir.

Q Did she come back to the Cherokee Nation? A Yes, sir.

Q What became of her? A She died on Barron Fork.

Q About when? A Well it must have been in '67.

Q '67? A Yes, sir.

Q What became of this child Mary? A She is living at Pryor Creek.

Q Did she make her home with her sister? A She gave the child to my sister and I took the child up there to her.

Q Mrs. Quarles up there, this other witness present? A Yes, sir.

Q That was the only child? A That was the only child she had living, and she left it with my grandmother and requested her to send it to my sister.

Q You knew her down in the Choctaw Nation at Sulphur Springs? A Yes, sir, was with her there when the child died.

MR. BLEDSOE: Do you know anything about this Thomas J. Lasley, the applicant in this case? A Never heard of him.

Q Do you know whether that child was named or not that died? A Yes, sir.

Q What was its name? A George.

Q Do you know whether there was another George Lasley around in the Cherokee Nation? A No, sir.

Q Do you know whether there was another George Lasley and another Sarah in the Cherokee Nation? A No, sir, I never heard of any.

Q This Thomas J. Lasley you knew nothing about whatever? A Never heard of him.

Q This George Lasley and Sarah Lasley, if they had any other children you would have known it? A Yes, sir.

MR. HASTINGS: You were present when the child George died? A Yes, sir.

COMMISSIONER: Did George Lasley and Sarah Lasley, his wife, ever have a child by the name of Thomas J. Lasley? A No, sir.

GARRIE E. QUARLES, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Garrie E. Quarles.

Q Your postoffice, Mrs. Quarles? A Baptist, Indian Territory.

Q What is your age? A I can't tell it much.

Q When were you married now? A '68.

Q Did you know George Lasley before the war? A Yes, sir.

Q Did you know his wife? A I did; was raised with her.

Q What was her maiden name? A Walker, Sarah Walker. Sarah E. Walker; there was just two weeks difference in our ages; she was left an orphan when she was small, my grandmother raised her, and we were raised together nearly.

Q Do you know about the time that she and George Lasley married? A Yes, sir.

Q When did they marry? A In the fall of '68.

Q You know Mary Lasley, their child? A Yes, sir, I raised her.

Q You have raised her since the death of her mother? A Yes, sir.

Q Did you know anything about this second child of Sarah Lasley's and George Lasley's? A Nothing more than

she told me that he died when he was a baby, after she went south I never saw her.

Q You didn't go south? A No, I didn't go south; my sister did.

Q Well after the war come up and she went south you don't know anything of her until she returned to this country? A No, sir, I didn't know anything of her until she returned to this country.

Q She returned to Fort Gibson did she? A Yes, sir. She was staying first there at Mrs. Brown's, I was teaching school there.

Q At Mrs. Brown's? A Yes, sir.

Q How many children did she have with her? A Well just one, just a girl, Mary.

Q And she told you of the death of the boy down south? A Yes, sir, I have heard her speak of it very often.

Q What became of George Lasley, the husband? A He was killed.

Q Was Mary Lasley the oldest child? A Yes, sir, she was the oldest child.

Q About when did Sarah Lasley, nee Walker, die? A Why she died in the fall, November, '87.

Q Where did she die? A She died up here on Barron Fork.

Q And you took her child Mary to raise? A Yes, sir.

Q She lived with you up until she married? A Yes, sir, until she married.

Q Did you ever know this Thomas J. Lasley, the applicant? A Never heard of him till you wrote me about him.

Q Did Sarah Lasley ever have a child by the name of Thomas J.? A Never did; she had no children but these two.

Q Mary and the one that died? A Mary and little George.

Q The one that died was named George? A Yes, sir, little baby.

MR. BLEDSOE: You don't know of any other George Lasley in the Cherokee Nation? A No, sir.

Q Never did at that time? A Never heard of any other.

Q Did you know of any other Sarah Lasley? A Never heard of any other.

Q You don't know anything of the death of this boy child except what they told you? A No.

Q Nothing of your own knowledge? A No.

Q Do you know Annie Snail and Grandma Snail and Mrs. Thornton; do you know those people? A Why I don't remember Annie Snail, I don't remember who that is; she might have went by some other name; Mrs. Thornton, I don't know who she was.

Q This Thomas J. Lasley, you know nothing about that boy then?

A No, sir, never heard of him till Mr. Hastings wrote that.

COMMISSION: A copy of the testimony in this case is ordered to be filed in case No. 2711, and be considered as the testimony in that case so far as the same is applicable.

This case is continued to May 7, 1902, for the purpose of taking further testimony.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of May, 1902.

J. B. Renter
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 7, 1902.

In the matter of the application of Elizabeth Lasley for the enrollment of herself as a citizen of the Cherokee Nation.

Applicant represented by L. P. Blodsee, Choctaw, I. T.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TO D-1207.

Case continued from May 6, 1902, to May 7, 1902.

Applicant present in person.
JOHN R. GOURD, being first duly sworn, testified as follows:

Q MR. HASTINGS: What is your name? A John.
Q John R. Gourd? A Yes, sir.
Q You are the same man that was on the stand here yesterday? A Yes, sir.
Q Uncle John, I never told you what case you was going to testify in before you came on the stand, did I? A No, sir.
Q Didn't talk to you any about it? A No, sir.
Q I didn't let you know when I subpoenaed you what case I wanted you in? A No, sir.
Q You didn't know until you come upon the stand what you was going to be asked about, did you? A No, sir.
Q What would these people tell you when you touched the pen? A I didn't touch the pen, and I didn't swear to it.
Q Well you did swear to a good many cases didn't you? A No, I don't think I did.
Q You touched a pen in a good many cases? A They would be just writing down what they wanted, and I would go away.
Q You didn't know what they was writing? A No, they said they was writing citizenship.
Q Well did they ever promise to pay you? A Promised to pay me, yes, sir, promised to do a good part by me.
Q They said they would do a good part by you, pay you a good deal? A Yes, sir.
Q If they made it in? A Yes, sir.
Q You wouldn't know any of them, would you? A No, I don't; I pretty near lost my recollection since; I can't say.
Q You couldn't read nor write then could you? A No, sir.
Q Well did they offer to give you five dollars for swearing? A Yes, sir.
Q COMMISSIONER: Who gave you that? A Sometimes this man give me, I couldn't tell who give it to me, Lasley I reckon give it to me.
Q MR. HASTINGS: Well were you a witness in a good many cases, now you remember that? A No, sir.
Q And a great many of these cases why they would give you five dollars and they would offer to promise to give you a good deal in case they got in? A Yes, sir.
Q And you don't remember this individual case? A Yes, sir.
Q And you don't know this man? A No, sir.
Q You've never saw him? A Saw him a time or two maybe, but I don't have no recollection.
Q You don't know anything about his father? A No, sir, all they was said about his name said they was Cherokee, just that way, just some said they were Cherokee.
Q That's when they wanted you to sign an affidavit that is, when they would tell you that, wasn't it? A Yes, sir.
Q And you don't know anything about it? A No, sir, nothing about the blood.

Q Well then if you are made in an affidavit to swear anything about him why you don't know anything about that, do you? A No, sir.

Q You don't know anything about the facts in an affidavit, do you? A No, sir.

MR. BLEDSOE: Now Uncle John, I'm a little hard of hearing and so are you. Do you recollect of going before Rasmus here at Tahlequah and making a statement one time? A Rasmus, Rasmus, this here Lem Sanders.

Q Well was this man here (indicating applicant) there then, Thomas J. Lasley? A Maybe so, now I can't recollect.

Q Now you swear that he was there then?

MR. HASTINGS: Hold on -

MR. BLEDSOE: If you swore that then it was so was it? A Yes, sir.

Q You swore at that time before Rasmus that you knew him in Flint District, this applicant, Thomas J. Lasley, isn't that a fact? A Yes, sir, I seen him I said; I said to Hastings that I saw him in Flint or somewheres around about Tahlequah there; that's what I said yesterday you know.

Q You swore that, that you knew him from a small boy up to '61 or '65, that you knew him there in Flint District? A That's too hard for me.

Q I know your memory is weak; we excuse that all right, the recollection. Then you swore that at the first time above referred to claimant lived with his parents in said Flint District, his father was George Lasley; you recollect that now? A Lives with him?

Q Yes, sir. You saw him with his parents in Flint District, you swore that before Rasmus? A Well maybe so.

Q And that George Lasley was his father, you swore that, didn't you? A Well I can hardly recollect what I swore.

Q But then if it's down here you swore it, ain't it, and you also swore that said George Lasley was a son of William Lasley; if you swore it then it was all right, wasn't it, that affidavit, Uncle John; did you swear that this man Lasley or George Lasley was the father of this man here as you swore before Rasmus; is it true what you swore to then, was true then was it, Uncle John, before that court, Rasmus? A I can't tell you what I swore.

Q Huh? A I can't tell you what I swore.

Q Well of course I give way to your memory so far as that's concerned. Now you swore also that William Lasley died and was buried in Flint District, that's true, ain't it? You recollect that?

A I don't recollect swearing anything about him, people.

Q Do you recollect what became of George Lasley? A No, don't know whether he's dead or not.

MR. HASTINGS: Uncle John, would them fellows read these papers over to you after writing them? A No, they just wrote them, be writing them, and I go about my business, go out somewhere.

Q And so you don't know anything at all about this family? A No.

Q You don't know anything about the facts that's contained in an affidavit, do you? A No, sir.

Q And just as soon as they would write them would they have you to touch a pen or make a mark or something or other? A I don't think they did; I don't recollect now, but I didn't swear, just write them and would be writing them out and I would go off, they wouldn't read them.

Q You couldn't read them yourself? A No, sir, don't know anything about reading.

Q You didn't know what would be in it, did you? A No, sir.

Q You don't know what was in this man's affidavit? A No, sir.

Q You don't know anything about this applicant? A Yes, I see him a time or two, but I saw him about that time, Tahlequah there.

Q But you didn't know his father? A No, sir.

Q You didn't know anything about his family? A No, sir.

MR. BARNES: Well, John, you're not in the habit of signing papers without you know what's in them, are you? A No, sir.

Q You're not in the habit of swearing to anything - A Well I want to know what it was, but I never swore.

COMMISSIONER: Well when you would go out where they would be writing and come back, would you go back there after they had finished? A Just go on off.

Q Never go back to see what they would write? A They would tell me they would pay me sometimes, and sometimes they wouldn't.

Q Who got you in all those cases? A Well there was Campbell, and I think Barnes got me to one, and this here Tom Sanders, he lives in Flint, he's a crippled fellow.

Q Those three men are the ones that got you in all those cases to make these affidavits? A Yes, sir.

The agent for the applicant, Mr. Henson, and the attorney for the Cherokee Nation submit this case upon the testimony and the record as now made up.

It is ordered that copies of the testimony taken this day in this case, D-1297, be filed in case No. D-2721, and considered as part of the testimony in that case.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 8th day of May, 1902.

R. R. Rosten
Notary Public

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskegee, I. T. July 31st 1902.

In the matter of the application of Elisabeth Lasley for enrollment
as a Citizen of the Cherokee Nation by Intermarriage. C. D. 1807.

In the matter of the application of Thomas J. Lasley for enrollment
as a citizen of the Cherokee Nation by blood. Cherokee 8711.

The records in this case disclose the fact that Thomas J. Lasley and
children were admitted to citizenship in the Cherokee nation by the United
States District Court upon appeal from the Commission to the Five Civi-
lized Tribes who denied him citizenship by authority granted the Commis-
sion under the Act of Congress of June 10, 1896.

Thomas J. Lasley is clearly is clearly a white man and the proof
conclusively shows that he has not a drop of Indian blood in his veins,
and that of all the frauds who have attempted to force themselves upon the
Cherokee nation he is perhaps among one of the greatest.. He claims to
have been a son of George Lasley ~~and~~ by Sarah Walker and his given age
would have him born in about 1855 whereas it is shown by the testimony
introduced by the Cherokee nation that George Lasley and Sarah Walker
were not married until about 1859. It is further shown in the testimony
that George Lasley was killed in about 1862 or 1863 and that his wife
died subsequent to the war and about 1867 and that she never had but two
children one of whom is still alive and testified in this case being now
Mary Barton and the other died and was buried when about six months old on
Red river during the war and fortunate for the Cherokee nation one of the
witnesses present testified to being present at the birth, death and bur-
ial of this last child.

The testimony shows that in 1896 that a great number of reputable
witnesses swore that George Lasley and Sarah Walker were Cherokees by ~~him~~
blood which of course is true and not denied but that only one ~~and~~
witness John R. Gourd made an affidavit before a Notary that this appli-
cant was a son of George Lasley by Sarah Walker. This is the point to be

watched. It is true that George Laseley and Sarah Walker were Cherokees by blood and that they married but that the applicant Thomas J. Laseley is not a son of theirs, and though present during the last investigation of his case when it was so conclusively proved that he was a fraud he bowed his head in shame and declined to take the stand and defend his case but quietly slipped out of the room and left for home. John E. Gourd, not having been told by the representative of the Cherokee Nation what was desired of him, was placed upon the stand and his testimony shows conclusively the fraudulent methods used by notaries in 1896 in the procurement of testimony in citizenship cases, and he tells himself that he knows nothing of the applicant except perhaps what the applicant told him at that time. Reference is made to his testimony as to the fraudulent practices at that time.

The question arises whether or not this commission has the authority now when a known fraud has been perpetrated upon the Cherokee nation to open it and investigate it and if found that fraud was perpetrated to set the judgment aside.

The Cherokee Nation contends that the Curtis Bill gives the Commission to the Five Civilized Tribes all the authority which under the law could now be exercised by any court. In other words that the Commission has the right to investigate and set aside any judgment that has been procured through fraud, the same as could the court have done upon motion for rehearing prior to June 28th 1898. Section 21 of the Curtis bill after directing the Commission to make a roll of the Cherokee citizens authorizes the commission to:

"Investigate the right of all other persons whose names are found upon any other rolls and omit all such as may have been placed thereon without authority of law, enrolling only such persons as may have a lawful right thereto."

Clearly it was ~~intended~~ intended by Congress as shown by the provision above quoted that the Commission should have the same authority that had heretofore been exercised by the courts to open up and investigate all fraudulent cases and to protect the Cherokee Nation against them. You will notice the Commission is directed to omit the names of all persons placed thereon both by fraud and without authority of law. The first contemplates that the applicant had heretofore been fraudulently admitted whereas those placed thereon without authority of law evidently means those whose names have been placed upon the Cherokee rolls without

having been ~~admitted~~ readmitted to citizenship in the Cherokee Nation. The Cherokee Nation can not now go into court and ask that these cases be reopened and the judgment set aside because it was fraudulently obtained because the court has no jurisdiction over citizenship matters; the jurisdiction belonging exclusively to the Commission.

Assuming that we are our best in our contention we desire to call the Commissions attention to the very able opinion written by Judge Springer in the case of Court Number 246, Cherokee with reference to fraud being practiced in the procurement of judgments and in addition thereto we beg leave to submit the following additional brief on the question of fraud in the procurement of a judgment:

1 Effect of fraud.

"It may be laid down as a general principle that what is done in fraudum Legi can not be the basis of a suit in the courts of a country, whose laws are attempted to be infringed."

(1 Johns. 424; 21 La 69; 25 Ind 495; 36 Mo 333; 111 Ill 176; 102 N. Y. 287 31 La 260.)

It is a well settled principle of Equity that fraud vitiates all transactions, even the most solemn contracts, and judgments are not beyond attack on this ground." (Herman on Estoppel; Id Res Judicata, Sec 391, P 453) (11 N. Hov. 437; 72 Ind 374; 70 N. Y. 8; and 59 Cal 168.)

Mr Wells on Res Adjudicata, Sec 499 says: " Fraud vitiates everything a judgment equally with a contract."

The Supreme Court says in 98 U. S. 61, " There is no question of the General doctrine that fraud vitiates the most solemn contracts, documents and judgments." " It is a well settled principle of equity that if fraud vitiates all transactions, even the most solemn and judgments are not beyond attack on this ground." Herman on Estoppel Sec 391.

2 Character of Evidence necessary.

While most of the proof of fraud and bribery is positive and direct yet it may be, and usually is, proved by circumstantial evidence.

"To establish fraud it is not necessary to prove it by direct and positive evidence. Circumstantial is not only sufficient, but in most cases it is the only way that can be obtained."

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17 Wall (U S) 532; 63 Ala 561; 2 Cal 287; 40 Mo 201.

The authorities even take a step further and say:

"If the evidence is sufficient to satisfy the mind and conscience of the existence of the fraud, it will suffice, although it does not lead to a conviction of absolute certainty."

(51 Ill 227; 14 Ga 207; 72 Penn St 227; 19 Mich 27.)

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

In the matter of the application of Elizabeth Layley for the
recognition of herself as a citizen and member of the United States
Nation.

Supplemental to D-1108

THOMAS J. EMMETT, being duly sworn, testified as follows:

Examination by the Commissioner.

- Q. What is your name? A. Thomas J. Emmett.
Q. How old are you? A. I am 44.
Q. What is your post office? A. Vanita.
Q. Are you a member of the United States? A. Yes, sir.
Q. To what post office on the roll of 1890? A. No, sir. I was a member
of the United States post office.
Q. You were admitted by the United States post office to the
roll of 1890? A. Yes, sir.
Q. What is your wife's name? A. Elizabeth.
Q. Was she admitted by the United States post office to the
roll of 1890? A. Yes, sir.
Q. Were you married in the application that you made?
A. Yes, sir.
Q. How long ago? A. I think 1890.
Q. When were you married to her? A. In 1890.
Q. Is she your first wife? A. Yes, sir.
Q. Are you her first husband? A. Yes, sir.
Q. She was married before you married her?
A. No, sir.
Q. She was married just once? A. Yes, sir.
Q. You say her first husband was dead before you married her?
A. Yes, sir.
Q. Have you been living with your wife since 1890?
A. Yes, sir.
Q. Never separated? A. No, sir.
Q. Living with her now, are you? A. Yes, sir.
Q. You were admitted by the United States post office under the act of
Congress in 1890, were you? A. Yes, sir.
Q. How long have you and your wife lived in the Cherokee Nation?
A. Haven't been but 17 years for 14 years.
Q. Made it your home all the time? A. Yes, sir. I came
back in '94 but I moved out again and stayed two years.

James C. Carr, being duly sworn, stated that he
as a stenographer to the Commissioner of the Cherokee Nation has
reported the above testified facts and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of December, 1900.

James C. Carr
Notary Public

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 20th, 1902.

In the matter of the Application of Elizabeth Lasley for the
enrollment of herself as a citizen by intermarriage of the Cherokee
Nation.

Supplemental to D-1207

THOMAS J. LASLEY, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Thomas J. Lasley.
Q. How old are you? A. I am 22.
Q. What is your post office? A. Vinita.
Q. Are you a Cherokee by blood? A. Yes, sir.
Q. Is your name on the roll of 1880? A. No, sir. I was admitted
by the United States court.
Q. You were admitted by the United States court as a citizen by
blood, were you? A. Yes, sir.
Q. What is your wife's name? A. Elizabeth.
Q. Was she admitted by the United States court also? A. Well,
she was my wife at the time.
Q. Was she included in the application that you made?
A. No, sir.
Q. She was not? A. I think not.
Q. When were you married to her? A. In '72.
Q. Is she your first wife? A. Yes, sir.
Q. Are you her first husband? A. No, sir.
Q. She had been married before you married her? A. Yes, sir;
her husband was dead.
Q. She was married just once? A. Yes, sir.
Q. You say her first husband was dead before you married her?
A. Yes, sir.
Q. Have you been living with your wife ever since '72?
A. Yes sir.
Q. Never separated? A. No, sir.
Q. Living with her now, are you? A. Yes, sir.
Q. You were admitted by the Dawes Commission under the act of
Congress in 1896, were you? A. Yes, sir.
Q. How long have you and your wife lived in the Cherokee Nation?
A. Haven't been out of here for 14 years.
Q. Made it your home all the time? A. Yes, sir. I come
back in '74 but I moved out again and stayed two years.

Jesse O. Carr, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
reported the above entitled case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of December, 1902.

Jesse O. Carr
J. O. Carr
Notary Public.

I, Charles A. Davidson, Clerk of the United States Court in the North-
 ern District, Indian Territory, do hereby certify that the instrument hereto attached was
 filed for record in my office the 6 day of Feb. 1901, at M.,
 and duly recorded in Book 2 K, Marriage Record, Page 34.
 WITNESS my hand and seal of said Court at Muskogee, in said
 Territory, this 24 day of April, A. D. 1901.
 Chas. A. Davidson
 Clerk.
 By Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T.
 I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do
 hereby certify that the above and foregoing is a true and correct copy of the original offered in
 evidence in the matter of application for enrollment of
 as citizen of the Cherokee Nation.

21507

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Muskogee, I. T. December 16, 1902.
 I, the undersigned, Chief Clerk of the Cherokee Enrollment
 Division of the Commission to the Five Civilized Tribes and assistant
 of the records of said Division, do hereby certify that the above and
 foregoing is a true and correct copy of the original on file in the
 office of the said Division.


 Chief Clerk Cherokee Division.

Sworn to and subscribed before me
 this 16th day of December, 1902.


 Notary Public.

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY. } SS.
Northern District.

I, Charles A. Davidson, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was
filed for record in my office the 6 day of Feb., 1901, at M.,
and duly recorded in Book X K, Marriage Record, Page 34.

WITNESS my hand and seal of said Court at Muskogee, in said
Territory, this 24th day of April, A. D. 1901.

Chas. A. Davidson Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., I

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do
hereby certify that the above and foregoing is a true and correct copy of the original offered in
evidence in the matter of application for enrollment of
as citizen of the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. December 16, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes and custodian
of the records of said Division, do hereby certify that the above and
foregoing is a true and correct copy of the original on file in the
office of the said Division.

B. J. Reuter
Chief Clerk Cherokee Division.

Sworn to and subscribed before me
this 16th day of December, 1902.

B. J. Reuter
Notary Public.

MARRIAGE LICENSE.

United States of America, }
 INDIAN TERRITORY, } ss.
 Northern District.

No. 1143.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. G. O. Smith, of Vinita, in the Indian Territory, aged 28 years, and Miss Martha E. Lasley, of Vinita, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 26th day of December, A. D. 1900.

Chas. A. Davidson
 Clerk of the U. S. Court.

(Seal)
 By T. A. Chandler Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, }
 INDIAN TERRITORY, } ss.
 Northern District.

I, C. J. Taylor, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 27 day of Dec., A. D. 1900, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 27 day of December, A. D. 1900.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book E, Page 220.

C. J. Taylor,
 A Minister of the Gospel.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Elizabeth Lasley as a citizen by intermarriage of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 28, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Elizabeth Lasley as a citizen by intermarriage of the Cherokee Nation; Further proceedings in the matter of said application were had at Vinita, Indian Territory, May 20, 1901; at Muskogee, Indian Territory, March 21, 1902, April 5, 1902, May 6, 1902, May 7, 1902 and October 20, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Elizabeth Lasley, formerly Smith, nee Tisdell, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation, other than such right as she may have acquired by virtue of her marriage to Thomas J. Lasley, an alleged Cherokee, in Monroe County, Arkansas, on January 30, 1872; that on March 10, 1904, the Commission to the Five Civilized Tribes rendered its decision granting the application for the enrollment of Thomas J. Lasley who is listed on Cherokee Card Field No. 3711, as a citizen by blood of the Cherokee Nation; that Thomas J. Lasley filed his original application with the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896 (29 Stats., 321) for admission to citizenship in the Cherokee Nation; that said application was denied and that on appeal to the United States Court for Indian Territory, Northern District, the decision of the Commission was reversed and the said Thomas J. Lasley was admitted to citizenship in the Cherokee Nation as a Cherokee by blood, by the judgment of said court; that on June 24, 1906 (I.T.D. 6498 and 7492- 1906) the Department rendered its decision in the matter of said application of Thomas J. Lasley, reversing the decision of the Commission to the Five Civilized Tribes of March 10, 1904, and found that the said Thomas J. Lasley obtained said judgment in the United States Court for the Northern District of Indian Territory by fraudulent methods. Neither this applicant, nor the said Thomas J. Lasley can be identified on the authenticated Cherokee tribal roll of 1880 or the Cherokee census roll of 1896. Said applicant did not therefore, marry in accordance with Cherokee law, a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated

November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 185, 186, 187 and 188, the said applicant, Elizabeth Lesley, is not entitled, under the provisions of section 21 of the Act of Congress approved June 25, 1906 (34 Stat., 295) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.



Commissioner

Dated at Muskogee, Indian Territory

this FEB 23 1907

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8/16/2

MAY 3 1905
F. T. H. H.

[Handwritten signature]

W. J. H. H. H. H. H.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLERWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

CHEROKEE D-1207

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 31,

1902.

Mr. Thomas J. Lasley,

Vinita, Indian Territory.

Sir:

You are hereby notified that the application of your wife, Elizabeth Lasley,

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 31, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, as you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Register.

Acting Chairman.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D-1207

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 28, 1906.

Elizabeth Lasley,
Vinita, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

respectfully,

J.M.H.

Acting Commissioner.

Washoe, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Elizabeth Lasley as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 23, 1907, denying said application.

Respectfully,

Encl. N-79
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

Sherokee D 1207

Muskogee, Indian Territory, February 23, 1907.

Elizabeth Lasley,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized tribes, dated February 23, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. B-77
JMM

Register.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D 1207

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 23, 1907.

W. V. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Elizabeth Lasley as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-78
JMH

Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
19014-1907.

February 28, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Elizabeth Lasley, as a citizen by intermarriage of the Cherokee Nation, including the decision of Commissioner Bixby, dated February 23, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined, is found to be correct, and its approval is recommended.

Very respectfully,

C.F. Larrabee.

Acting Commissioner.

REM-LC

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

XP
V.I.N.

I.T.D.
5384, 5386, 5484, 5486,
5780, 5782, 5784, 5786,
5790, 5792, 5884, 5886,
6088, 6112, 6284, 6080,
6710, 6712, 6714, 6730,
6732, 6734, 6780, 6784,
6800, 6812 6780-2487.

March 2, 1907.

LEE

REPORT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
John Thomas.	February 2, 1907.
Reckiel J. Demagee.	February 2, 1907.
Kimball I. Root.	February 12, 1907.
William G. Patton.	February 6, 1907.
B. F. Armstrong.	February 16, 1907.
Andrew N. Gantt.	February 19, 1907.
John A. Brown.	February 2, 1907.
John H. Hiffert.	February 2, 1907.
Jacob H. Harvey.	February 2, 1907.
Samuel L. Jones, (Johnson)	February 2, 1907.
George W. Craig.	February 18, 1907.
Jane M. Byrd.	February 19, 1907.
Klimbeth R. Rogers.	February 12, 1907.
Elmer Shuler, et al. (freedmen).	February 18, 1907.
John Rogers.	February 19, 1907.

Title of Case.	Date of your Letter of transmittal.
Alley Highway Railway, et al.,	February 21, 1907.
Willie Martin, et al. (freedom),	February 21, 1907.
John Elsworth Lambert,	February 21, 1907.
Stephen F. Wade,	February 21, 1907.
Michael S. Hutchinson,	February 21, 1907.
James Brown,	February 21, 1907.
Charles H. Jones,	February 21, 1907.
Benjamin F. Seagoe,	February 21, 1907.
George V. Scott,	February 21, 1907.
Walker Johnson (freedom),	February 12, 1907.
Elizabeth Lindsay,	February 21, 1907.
Charles Levin,	February 15, 1907.

A copy heretof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

James H. Wilson

Assistant Secretary.

27 enclosures, and
34 enclosures to Ind. Of.,
with carbon heretof.

4-1-07

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-780

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Elizabeth Lasley as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-8
JMH


Commissioner.

Cherokee D-1207.

COPY

Muskogee, Indian Territory, March 12, 1907.

Elizabeth Lanley,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

Encl. H-7
JMH

Commissioner.

1

MAR 21 1907

~~RECEIVED~~ MAR 21 1907

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191207

Mushy 23 3/21/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of

Elizabeth Harley

for enrollment as a citizen

of the Cherokee Nation.

L. R. Blosser

Cherokee D No. 1209.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Return to Writer.
UNCLAIMED.

Elizabeth Lasley,

Vinita, Indian Territory.

21207



Department of the Interior.

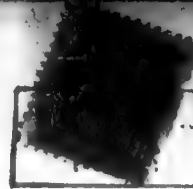
Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Returned to W. H. H. H.
UNCLAIMED

[Handwritten signature]

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Elizabeth Masley,

Muskegon

~~vinite~~, Indian Territory.



4569

Elizabeth Lasley

2-10-11-02

Completed

at 11

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Cher D 1208

Cher D 1208

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., November 21, 1900.

In the matter of the application of Charles T. Ironside for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your full name? A Charles T. Ironside.
Q How old are you? A 37.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Who is it you want to enroll, yourself and family?
A Just myself.
Q Are you a Cherokee by blood? A No sir, Shawnee.
Q How long have you lived in the Cherokee Nation?
A Ever since the 1880 roll.
Q Are you on the 1880 roll? A Yes sir.
Q Are you on that roll by yourself, or did you have a wife at that time? A Just myself.
Q What is the name of your father? A George Ironside.
Q Is he dead? A No sir.
Q What is the name of your mother? A Elizabeth.
Q Is she dead? A Yes sir.
Q Were you in Delaware District in 1880? A Yes sir.
Q Were you living in Delaware District four years ago? (no ans.)
Q How long have you lived in Cooweescoowee District?
A Ever since I have been here.
Q Have you never been out of the Cherokee Nation?
A Yes sir, off and on.
Q Where have you been? A Around Joplin, Galena, Chetopa and around.
Q Have you a family somewhere? A There over in Joplin, Mo.
Q Don't you live at Joplin? A No sir.
Q What are you doing with your family up there and you down here?
A She's got some property; she's a white woman.
Q How much of your time have you spent up there? A I have been up there off and on ever since I have been in the Cherokee Nation.
Q Your wife has lived there all the time, has she?
A She lives there when we aint in the Nation.
Q Why don't you apply for her enrollment? A I didn't know; I just always enrolled myself.
Q You got any children? A One.
Q Why don't you apply for your child? A He's dead.
Q You haven't got any living children? A No sir.
Q When did you marry? A I married about twenty years.
Q This same woman all the time? A Yes sir, same woman.
Q Have you never applied for her enrollment? A Not for her.
Q At no time? A No sir.
Q Have you ever kept house in the Cherokee Nation with that woman?
A Yes sir.
Q Where has she lived most of the time? A She lives up on a farm.
Q Where? A At Joplin, Mo.
Q That's where she is spending her time? A Yes sir, she's there now.
Q How long has she been there? A Since she went out of the Cherokee Nation pretty near two years.
Q How long had she stayed in the Cherokee Nation when she went out that time? A She's there now.
Q You are not giving me direct answers to my questions and it causes an utter lack of confidence in what you are saying. You told me that you had left the Cherokee Nation with your wife two years ago; that she went up to Joplin two years ago?

- A She hasn't been away two years. She went up less than two years ago, since I was taken away at Leavenworth.
- Q How long had she been in the Cherokee Nation before she went there that time? A About four years.
- Q And where had you been before that? A In Joplin.
- Q How long had you been in Joplin at that time?
- A Pretty near a year.
- Q How long had your wife been there?
- A She had been there about four years before I married her.
- Q That isn't what I asked you; I want you to answer my question. Where did you live immediately after you married her?
- A Lived here in Kansas City.
- Q How long did you live there before you came to the Cherokee Nation? A I was living here in the Territory and I went up there and got married.
- Q How long did you live in Kansas City after you got married?
- A I lived there about a year.
- Q And then where did you live? A Cherokee Nation.
- Q How long did you live here then? A About two years.
- Q Then where did you go? A In Kansas.
- Q How long did you stay there then? A About two years.
- Q And then where did you go? A Came to the Territory again.
- Q How long did you stay here? A Off and on about three or four years.

Commissioner Breckinridge-

The applicant claims to be a Shawnee, and to have lived in the Cherokee Nation since 1880. He is not satisfactorily identified upon any roll of the Cherokee Nation, and it is claimed from his testimony that he has never made his residence in the Cherokee Nation in a manner required by law. His application for enrollment is rejected.

E. G. Rothenberger, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes in said case.

(signed) E. G. Rothenberger.

Subscribed and sworn to before me this 21st day of November, 1900.

(signed) T. B. Needles,
Commissioner.

+++++

Mabel F. Maxwell, under oath, as stenographer to the Commission to the Five Civilized Tribes, states that she copied the testimony and proceedings in this case, and that the foregoing is a true and correct copy of the original transcript.

Mabel F. Maxwell

Subscribed and sworn to before me this 24th day of April, 1903.

Edward Merriam
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 20th, 1901.

In the matter of the application of Charles T. Ironsides
et al.

SUPPLEMENTAL TESTIMONY- Cherokee Rejected Card #415.

Cherokee Representatives and Joe Sequichie, agent for
the applicant, both present.

GEORGE R. IRONSIDES called and sworn by Commissioner C.R.
Breckinridge as a witness for the applicant, testified as
follows:

- Q What is your name? A George R. Ironsides.
Q How old are you? A 64.
Q What is your postoffice address? A Chelsea.
Q Do you want to give some testimony in the case of your son,
Charles T. Ironsides? A Yes sir.
Q He made application for enrollment at Chelsea in November 1900?
A Yes sir.
Q How old is your son? A He was born in '59.
Q You would call him about 42 then? A Yes sir.
Q Where was he born? A He was born in Kansas.
Q You are all Shawnees are you? A Yes sir, part.
Q Was he born in Kansas before the Shawnees come here?
A Yes sir.
Q Did you come here with the Shawnees after the treaty with the
Cherokees? A Yes sir.
Q Did your son come with you? A Yes sir.
Q What year do you claim that was? A In '71.
Q A little while after that you sustained an accident which re-
sulted in you losing both your arms and legs? A Yes sir.
Q What year was that in? A In '73, January.
Q Where did that accident occur? A In Kansas.
Q And through your necessities you continued to live in Kansas?
A I had to.
Q Did you continue to live in Kansas from the time of that acci-
dent until just before the strip payment? A Yes sir.
Q In what year did you come back to the Cherokee Nation to live?
A In '95.
Q You had a family at the time of your accident did you?
A Yes sir.
Q How long was it after your accident that your family joined
you in Kansas? A My son staid here for over nine years
after that.
Q And then joined you in Kansas? A Yes sir, in '81.
Q When this son Charles T. Ironsides joined you in Kansas in 1881,
how long did he continue to live with you there? A Until he
got married.
Q What year was that? A Two or three years after he went up
there.
Q Did he marry a white woman? A Yes sir.
Q A non-citizen? A Yes sir.
Q Did he marry in Kansas or Missouri? A In Kansas.
Q He married then about '83 or '84? A In '83 I think it was.
About 4 or 5 years after he came up to Kansas, he was working
at Liberty, Missouri.
Q Where did he live after he got married? A In Kansas.
Q When did he come back here? A In '95.
Q The time you came? A Yes sir, we came together.

- Q Did he live continuously with you until he came down here in '95? A He lived in Kansas and I lived in Kansas City until we came down here in '95.
- Q Do you know whether your son ever voted in any elections up there? A I cannot say, I know he did not before he got married.
- Q How far from you did he live after he got married? A 18 miles.
- Q What was he doing there? A Farming.
- Q Was he farming all the time from the time he got married until he came down here? A No sir, he worked in Kansas City hauling a while; he lived the rest of the time on Shawnee land what I gave him.
- Q Did you see him frequently during all that time? A Yes sir. Every month or so I guess, he would drop in to see me every time he come to town.
- Q Has your son ever married more than once? A No sir.
- Q Is his wife still living? A Yes sir.
- Q Where does she live at this time? A Vinita.
- Q How long has she been living there? A I can't say; they run a restaurant there ever since after the payment; he went to the pen for selling this here "Jumbo"; went for two years and she went to Missouri to her home then.
- Q When did she come back from Missouri? A After he got back.
- Q When did he get back? A Just a week after you folks was up at Chelsea the last ~~trip~~ time.
- Q Where did they send him to the penitentiary? A Leavenworth.
- Q How long has he been out? A I can't tell just how long, he got back a week after you were at Chelsea.
- Q Did your son live in the Cherokee Nation from the time that he came down with you until he was sent to the penitentiary?
- A Yes sir.
- Q Did he live here continuously all that time? A Yes sir, in Vinita.

A printed roll of Shawnees, in the possession of the Cherokee ~~Nation~~ representatives present, shows that among those enrolled by the Cherokee Nation in 1871 there appears the name of the witness George R. Ironsides and also of his son Charles T. Ironsides.

- Q Is the mother of your son Charles still living? A No sir.
- Q How long has she been dead? A In '62 she died.
- Q What was her name? A Elizabeth.
- Q Who is Susan Ironside? A That was Bob Ironside's wife.
- Q Did she have a child named Charles? A I don't think that his son was named Charles, think it was named Jimmie.

ROBERT IRONSIDES, called and sworn by Com'r Breckinridge, testified as follows on the part of the applicant:

- Q What is your name? A Robert Ironside.
- Q How old are you? A 55.
- Q What is your postoffice? A Vinita.
- Q How long have you lived in the Cherokee Nation?
- A About 31 or 2 years.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Eliza T.
- Q Do you know Susan Ironside? A Yes sir, that was my wife.
- Q Some 20 years ago? A Yes sir, ever that, some 25 years ago.
- Q Is she living? A I don't know.
- Q Did you have a child named Charles?
- A No sir, this is Charles Ironside here.
- Q Is this the only Charles Ironside? A Yes sir that I know of.

- Q With this Susan Ironside there is a Charley; she is 35 years old there and he is 19 years of age-what would be her age now if she were living? A Her age now would be 45 or '8 years old maybe 50, except it would be close to 50.
- Q Was your wife Susan a Shawnee? A Yes sir.
- Q What was the name of her father? A Mathew King.
- Q What was the name of her mother? A Catherine.
- Q And you don't know of any other Charles Ironside except this man? A No sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of Charles Ironsides appears thereon as follows:
Page 270 No.1342, Charley Ironside, Delaware District.

Charles T. Ironside, the applicant, sworn by the Commissioner and examined as follows:

- Q Did you draw your strip money? A Yes sir.

Cherokee Shawnee Pay Roll examined and on page 23, No.476 thereof appears the name of Charles T. Ironside.

The 1896 census roll of the Cherokee Nation examined and the applicant identified thereon as follows:
Page 606, No.217, Charley Ironside, Delaware District.

By Commission of applicant:

- Q What is your full name? A Charles T. Ironside.
- Q Are you a son of George R. Ironside? A Yes sir.
- Q And of his deceased wife, Elizabeth? A Yes sir.
- Q You claim to be a Shawnee? A Yes sir.
- Q Didn't you apply for enrollment at Chelsea last November? A Yes sir.
- Q Give me the name of your wife? A Louvina.
- Q How old is she? A About 35.
- Q Is she a white woman? A Yes sir.
- Q How long since you married her? A It has been over 20 years.
- Q Did you marry her in Kansas? A Yes sir.
- Q Can't you get a copy of the license and certificate? A I have it here at home, at Vinita.
- Q Were you ever married except to her? A No sir.
- Q Was she ever married except to you? A No sir.
- Q Have you and she lived together ever since you were married? A Yes sir.
- Q I was the one that took your application at Chelsea and I remember that it was impossible to get a direct answer from you on many points; you were hiding something, trying to hold back something. You were in the penitentiary, were you not? A Yes sir.
- Q When did you go back to Kansas from here and join your father the first time? A I can't tell just exactly when.
- Q Was it along about '81? A I guess somewhere along there.
- Q Did you make your home up there until you came down here a few years ago? A When I was first married I made my home there a while.
- Q You have heard your father's testimony that up until the time that he came with you to the Cherokee Nation in 1895 that you lived in Kansas except when you lived in Kansas City for a short time and was tanning there? A Yes sir I worked there about a year and a half.

- Q When did you first come back to the Cherokee Nation?
A I can't tell exactly.
Q You came back before the strip payment was made? A Yes sir.
Q In what year did you come then? A I can't tell exactly.
Q Was it before the payment? A Yes sir, about 5 months.
Q You then moved back to the Cherokee Nation? A Yes sir, I have been making it my home off and on ever since I was married except the first two years of my marriage.
Q I thought you said that you did not come here until just about five months before the strip payment? A Yes sir, something like that.
Q And you were married over 20 years ago? A I guess about that.
Q Well, when did you come to the Cherokee Nation to make your home the first time after you married? A With my father just before the payment.
Q And did you live here from that time until you were sent to the penitentiary? A Yes sir, the greater part of the time.
Q When did you first bring your wife down here? A It has been about six years ago.
Q That was just before the strip payment, is that right?
A Yes sir, quite a while before that.
Q How long before the payment? A I don't know exactly.
Q Did you bring your wife down here as much as two years before the strip payment? A Yes sir, I guess it was that long.
Q Did you live with her after you brought her down here?
A Yes sir.
Q All the time? A Yes sir.
Q Where did you live? A Here in town.
Q You first told me that you came here about five months before the strip payment and now you're contending that you came here some two years or more before that payment, you are getting your statements all mixed up. Have you ever been sent to the penitentiary? A Yes sir.
Q What have you been doing since the strip payment? Have you been working in the mines? A No sir.
Q Did you stay here all the time from the payment until you were sent to the penitentiary? A Yes sir.
Q When were you sent to the penitentiary? A I can't say what year.
Q You staid there two years didn't you? A Yes sir.
Q You were sent there in the fall or summer of '98? A I was sent in the fall.
Q Of 1898? A Yes sir, I think that was it.
Q Did you ever vote for President of the United States? A No sir.
Q Did you ever vote for a member of Congress? A No sir.
Q Did you ever vote for anybody? A No sir.
Q Did you ever vote in the Cherokee Nation? A Yes sir, I have.
Q For whom did you vote in the Cherokee Nation? (No answer)
Q When did you vote in the Cherokee Nation? (No answer)
Q You have stated that you lived in Kansas from 1881 until 1895 right straight along all the time on a farm except for a little while in Kansas City--what farm was that, did it belong to your wife? A No sir, it belonged to me.
Q Was it Shawnee land that you had up there? A Yes sir.
Q Who did you get it from, your father? A My mother and father together.
Q It was a part of your mother's land that had never been disposed of? A Yes sir.
Q What have you done with that land? A I sold it.
Q When did you sell it? A Here about 4 years ago.
Q Where did your wife live when you were in prison?
A On the place in Missouri.
Q Near what place? A Near Independence.

- Q Did she live there until you came out of prison? A Yes sir.
Q Did she live there until she came back here to Vinita?
A Yes sir.
Q Who bought that place? A I did.
Q How long ago? A 4 years ago.
Q With what you got for your Kansas place? A I traded that right into this one.
Q Did your wife have any farm or other property? A No sir.
Q Did your wife ever live in Joplin? A No sir.
Q You told me in Chelsea that she lived in Joplin and was living there at that time? A (No answer)
Q You said that she was living on a farm at that time near Joplin? What made you tell me those things then? And you said at that time, in November, that she had been living there near Joplin on a farm for two years; you also told me that she owned property there and now you tell me that she never lived there, and that she never owned any property there at all. (No answer)
Q Have you got a stepdaughter? A I have two children that are adopted.
Q They are not your children? A No sir.
Q They are not your wife's children? A No sir.
Q Just children that you have adopted? A Yes sir.
Q You had better include in your application the name of your wife for if you are entitled to enrollment she is; are you willing to have her included are you? A Yes sir.

By Com'r Breckinridge-

This testimony will be filed with Cherokee case R-415, and it is directed that that case be transferred as a doubtful case, and on the card there will be included also the name of the applicant's wife, Louvina Ironside. The applicant is identified at this time in the light of the testimony now adduced, upon the Shawnee roll of 1871, and upon the authenticated roll of 1880, and he is identified with reasonable certainty upon the roll of 1896 and the Shawnee Pay roll of 1894. The testimony of his father shows that he lived in the Cherokee Nation in 1881 and absented himself continuously from that time until 1895; his own testimony conflicts with this as it does with itself in almost every particular. It appears that the applicant and his wife were married some 20 years ago and that neither of them was ever previously married; he states that he can file his license and certificate of marriage. They seem to have lived together ever since their marriage except for a period of two years when they were separated by reason of the applicant being in prison, but which does not appear to have amounted to a permanent separation between them. According to the testimony of the applicant's father, he has lived in the Cherokee Nation continuously ever since 1895 with the exception of the period he was sent to prison, and that his wife, according to the same testimony, has lived with him in the Cherokee Nation all that time except during the period he was sent to prison, and a very short time after his liberation. This conflicts very materially with the testimony of the applicant himself, whose testimony has been of an evasive character, or at least very difficult to reconcile. By reason of the state of facts developed in the course of the inquiry, his wife will be listed with him on a doubtful card as a Cherokee-Shawnee by intermarriage, the applicant being listed as a Cherokee-Shawnee on a doubtful card, and if he has been given, heretofore, a different classification, it will be corrected. It should be noted that the applicant and his wife were married in Kansas and never remarried under Cherokee law.

By Commission of applicant:

- Q Were you ever remarried to your wife when you came to the Cherokee Nation? A No sir.
Q What time in 1895 was it that you brought your wife down here?
A About two months ago.
Q I mean the first time that you come to the Cherokee Nation?
A I don't know the year.
Q How long before the strip payment did your wife come down here, was it as much as five or six months before the payment?
A Yes sir.

(Judgment continued)

It should also be noted that she first brought his wife to the Cherokee Nation, according at least to the weight of the testimony, some five or six months before the Cherokee strip money was paid out to the Cherokee-Shawnees in 1896, and it should be considered in this connection whether her rights could in any way be effected thereby under the Cherokee inter-marriage law of December 16th, 1895, and whether a marriage outside of the Cherokee Nation not supplemented by a marriage in the Cherokee Nation could convey to her the rights of an intermarried citizen. The final decision of the Commission will be made known to the applicant at his postoffice address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas von Weise.

Subscribed and sworn to before me this the 21st day of May, 1901, at Vinita, I.T.

(signed) T. B. Needles,
Commissioner.

Mabel F. Maxwell, under oath states that, as stenographer to the Commission to the Five Civilized Tribes, she copied the testimony and proceedings had in this case, and that the foregoing is a true and correct copy of the original transcript.

Mabel F. Maxwell

Subscribed and sworn to before me this 24th day of April, 1901.

Edward Herrick

Notary Public.

To be filed in case C.D.1208.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 5, 1902.

In the matter of the application of Charles T. Ironside for
the enrollment of himself and wife as citizens of the Cherokee
Nation.

--o--

Applicant represented by J.R. Sequichie, Agent, Chelsea, I.T.

Applicant was notified by registered letter on March 1,
1902, that his application for the enrollment of himself as a citi-
zen of the Cherokee Nation would be taken up for final considera-
tion by the Commission at its office in Muskogee, Indian Territory,
on the 21st day of March, 1902.

Receipt was acknowledged of the Commission's letter and on
said date the applicant appeared by his agent, J.R. Sequichie, and
by agreement, the case was continued until April 5, 1902.

BY W. W. HASTINGS:

The representative of the Cherokee Nation moves for a con-
tinuance in this case because they are unable as yet to secure the
attendance of the witness for whom a subpoena has been issued and
which the Cherokee Nation deems material in this case, and requests
an additional continuance to May 6, 1902.

COMMISSION:

The motion of the Cherokee Nation will be entertained and
the case continued until May 6, 1902.

---o---

I, the undersigned stenographer to the Commission to the
Five Civilized Tribes, do hereby certify that I recorded the pro-
ceedings in this case and that the foregoing is a true and complete
transcript of my stenographic notes thereof.

(signed) E. G. Rothenberger.

Habel F. Maxwell, under oath states that as stenographer
to the Commission to the Five Civilized Tribes, she copied the
above and that same is a true and correct copy of the original
transcript.

Habel F. Maxwell

Subscribed and sworn to before me this 24th day of April, 1903.

Edward Morris

Notary Public.

D. 1208.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 6, 1902.

In the matter of the application of Charles T. Ironside for
the enrollment of himself as a citizen of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: This cause having been heretofore continued
until this day the applicant fails to appear in person or attorney
and the Cherokee Nation appears by its attorney, W. W. Hastings,
and submits the case upon the evidence and record now on file.

Arthur G. Croninger, being first duly sworn, states that
as stenographer to the Commission to the Five Civilized Tribes he
reported in full the testimony and proceedings in the above case,
and that the foregoing is a true and complete transcript of his
stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of May, 1902.

(signed) P. G. Reuter,
N.P.

(SEAL)

Nabel F. Maxwell, under oath, states that as stenographer
to the Commission to the Five Civilized Tribes, she copied the
above and that same is a true and correct copy of the original
transcript.

Nabel F. Maxwell

Subscribed and sworn to before me this 26th day of April, 1903.

Edward M. Munn

Notary Public.

Cher
Supp'l to D-1298

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 24, 1902.

In the matter of the application of CHARLES T. IRONSDIE,
for the enrollment of himself as a citizen of the Cherokee Nation,
of Shawnee blood, and his wife, LOUVENIA IRONSDIE, as a citizen by
intermarriage of the Cherokee Nation:

LOUVENIA IRONSDIE, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Louvenia Ironside.
Q How old are you? A Forty-two.
Q What is your postoffice? A Afton.
Q Are you a white woman? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen
by intermarriage? A Yes sir, Shawnee.
Q Was your husband a Shawnee? A Yes sir.
Q What is his name? A Charles T. Ironside.
Q He is a Shawnee, is he? A Yes sir.
Q How long has your husband been living in the Cherokee Nation?
A He's been living here ever since he was ten years old.
Q When were you married to him? A In 1881, I think.
Q Are you his first wife? A Yes sir.
Q Is he your first husband? A Yes sir.
Q Have you and Charles Ironside been living together ever since
you were married? A Yes sir.
Q Never been separated? A No sir.
Q Are you living together now? A Yes sir.
Q Has the Cherokee Nation been your home ever since you were
married? A We lived in Kansas a while.
Q When did you live in Kansas? A We have been back from
Kansas about ten years.
Q When did you go to Kansas? A We married in Kansas City. We
lived in Kansas a while and then come on here.
Q How long did you live in Kansas after you were married?
A Eight or nine years I guess.
Q So that you came back to the Cherokee Nation about 1889 or 1890?
A About 1890, I suppose.
Q Have you been living in the Cherokee Nation ever since 1890?
A Yes sir.
Q What was your husband doing up in Kansas?
A Well, he was living on a farm there a while.
Q Farming? A Yes sir.
Q What was he doing the rest of the time?
A Well, what time we was there we was farming.
Q Did your husband ever vote up in Kansas? A No sir.
Q How you have never lived out of the Cherokee Nation have you,
since you came back in 1890? A No sir.
Q Been living in the Cherokee Nation all the time?
A Well, we was out a short time.
Q Where? A Up in Kansas.
Q When? A It's been about three years ago we was out there.
Q How long were you out? A About fifteen months, I suppose.
Q Where were you in the year 1898? A We was here I expect.
Q Well, do you know? A Well, I have been here mostly ever
since about ten years ago.
Q You say you were out fifteen months, was that in the year 1898,
four years ago? A Yes sir, I guess so, three years ago I mean.
Q Then you were out? A Yes sir.

- Q You have been back three years you say? A Yes sir.
Q What were you doing up in Kansas that second time?
A Well, we just went up there and thought maybe we could do better, and found out we couldn't.
Q Did you take your household goods with you? A No sir.
Q What did you do with them? A We left them here.
Q Did you have a farm here? A We have never taken up a farm here; we own a house in the Cherokee Nation.
Q Do you own a house in the Cherokee Nation, you say? A Yes sir.
Q When you went to Kansas on the second trip you left your household furniture in your house? A Yes sir, we left with the intention of coming back again.
Q If Kansas didn't suit you? A We didn't hardly think it would suit us, my health was bad, and we went there for my health mostly.
Q And you have been back now three years? A Yes sir.
Q The second time you were out about fifteen months?
A Yes sir, I think about fifteen months at the longest.
Q Have you any children?
A We haven't got any living; have a little boy dead.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(signed) E. C. Bagwell.

Subscribed and sworn to before me this December 10, 1902.

(signed) B. C. Jones,

Notary Public.

(SEAL)

Nabel F. Maxwell, under oath, states that as stenographer to the Commission to the Five Civilized Tribes, she copied the testimony and proceedings had in this case, and that the foregoing is a true and correct copy of the original transcript.

Nabel F. Maxwell

Subscribed and sworn to before me this 24th day of April, 1903.

Edward H. Hickey
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 20 1901

ACTING CHAIRMAN

CHEEOKES BY BLOOD AND ADOPTION

80-61

CHEROKEES BY BLOOD AND ADOPTION.

Date _____ 1900.

Name

District _____ Year _____ Page _____ No. _____

Citizen by blood **Mother's citizenship**

Intermarried citizen.....

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Juvenia Gonzales

District _____ Year _____ Page _____ No. _____

Citizen by blood..... Mother's citizenship.....

Unmarried citizen

MARRIED UNDER WHAT LAW

License _____ **Certificate** _____

Names of Children:

Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age

Dist.	Year	Page	No.	Age
1	1900	1	1	1
2	1901	2	2	2
3	1902	3	3	3
4	1903	4	4	4
5	1904	5	5	5
6	1905	6	6	6
7	1906	7	7	7
8	1907	8	8	8
9	1908	9	9	9
10	1909	10	10	10
11	1910	11	11	11
12	1911	12	12	12
13	1912	13	13	13
14	1913	14	14	14
15	1914	15	15	15
16	1915	16	16	16
17	1916	17	17	17
18	1917	18	18	18
19	1918	19	19	19
20	1919	20	20	20
21	1920	21	21	21
22	1921	22	22	22
23	1922	23	23	23
24	1923	24	24	24
25	1924	25	25	25
26	1925	26	26	26
27	1926	27	27	27
28	1927	28	28	28
29	1928	29	29	29
30	1929	30	30	30
31	1930	31	31	31
32	1931	32	32	32
33	1932	33	33	33
34	1933	34	34	34
35	1934	35	35	35
36	1935	36	36	36
37	1936	37	37	37
38	1937	38	38	38
39	1938	39	39	39
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42	1941	42	42	42
43	1942	43	43	43
44	1943	44	44	44
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46	1945	46	46	46
47	1946	47	47	47
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51	1950	51	51	51
52	1951	52	52	52
53	1952	53	53	53
54	1953	54	54	54
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58	1957	58	58	58
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72	1971	72	72	72
73	1972	73	73	73
74	1973	74	74	74
75	1974	75	75	75
76	1975	76	76	76
77	1976	77	77	77
78	1977	78	78	78
79	1978	79	79	79
80	1979	80	80	80
81	1980	81	81	81
82	1981	82	82	82
83	1982	83	83	83
84</				

Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age
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B
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 20 1900

191208

ACTING CHAIRMAN.

RH15

COOWEESCOOWEE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

37. Name Charles T. Ironside, Vinita, I.T. Date NOV 21 1900 1900.
District DELAWARE Year 1880 Page 270 No. 1542
Citizen by blood Shaw. Mother's citizenship Mrs. Ironside — l
Intermarried citizen m Elizabeth — d
Married under what law _____ Date of marriage 1880
License _____ Certificate _____
Wife's name _____
District _____ Year _____ Page _____ No. _____
Citizen by blood _____ Mother's citizenship _____
Intermarried citizen _____
Married under what law _____ Date of marriage _____
License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

~~Our mother was Charley Ironside~~

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D1208

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 21 1901



Acting CHAIRMAN.

54

I hereby certify that I have united
in marriage at the date herein set
forth the following persons by virtue
of my authority as a minister of the
Gospel in the State of Missouri viz:-
Jan 18th 1881- Charles Ironside & Lerina
Cecil

A. D. Madeira

Minister, of the Gospel

Filed and duly recorded Jan'y 27th
A. D. 1881-

G. D. Lincas Recorder

By D. W. Wallace Deputy -

Exhibit

A

STATE OF MISSOURI,
COUNTY OF JACKSON

O. B. Quaal
I, ~~John W. Hendon~~, Recorder of Deeds within and for said County

of Jackson and State of Missouri, do hereby certify that the foregoing is a full, true and complete transcript of record of the *Marriage Certificate*

Acknowledgment

and note of Record thereon endorsed ~~from~~ of *Charles Cronside*
to *and Anna Rebecca*

as the same now remains of record in my office in *Independence Mo*
Book *8*, at Page *174*

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

the seal of said office, at my office in the City of Independence, in

said County, this *23rd* day of *July* A. D. 1897

O. B. Quaal Recorder.

By *W. R. Hals* Deputy.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Vinita I. T. March 19, 1903.

In the matter of the application of Charles T. Ironsides et al for enrollment as citizens of the Cherokee Nation.

Cherokee D 1208.

Protest of the Cherokee nation.

Comes now the Cherokee Nation and protests against the decision of the Commission rendered in the above entitled cause on March 2 1903 and asks that same be forwarded to the Honorable secretary of the Interior for review.

The testimony in this case tends to show the the principal applicant Charles T Ironsides was at one time a citizen of the Cherokee Nation of Shawnee blood and that he continued to reside in the Cherokee Nation until about the year 1881 when he left and went to Missouri and Kansas living a part of the time in one state and a part in another. He was married in the state of Kansas; bought him a farm and lived there until 1895 ; or a period of about fourteen years and while it is recognized that he was at one time a citizen of the Cherokee Nation yet it is contended by the Cherokee Nation that a Shawnee citizen has no greater rights in the Cherokee Nation than if they were a Cherokee by blood and that this applicant under section two article one of the Cherokee Constitution which provides that " Whenever any citizen shall remove with his effects out of the limits of this nation and becomes a citizen of any other government all of his rights and privileges as a citizen of this nation shall cease" that he forfeited his right to citizenship in the Cherokee Nation; as above stated he was married in Kansas; owned a farm there and in the state of Missouri and lived there for a period of fourteen years or until about 1895 and that since that time he has not continuously lived in the Cherokee nation, part of the time he has been in the penitentiary, during which time his wife lived on a farm in the State of Missouri. The Cherokee Nation contends that his marriage and continuous residence without the

limits of the Cherokee nation and his non-exercise of the rights of citizenship in the Cherokee Nation for this long period of years forfeited to the applicant his rights of citizenship in the Cherokee Nation and we think that it was necessary under section two, Article one of the Cherokee Constitution for the applicant to have been readmitted to citizenship in the Cherokee Nation upon his return and that the names of himself and family appear upon the roll of 1896 "Without authority of law" and that they should not be enrolled by the Honorable secretary of the Interior as citizens of the Cherokee Nation.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Charles T. Ironside as a citizen of the Cherokee Nation of Shawnee blood.

DECISION.

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The record in this case shows that on November 21, 1900, Charles T. Ironside appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood. Louvina Ironside is also an applicant for enrollment as a citizen by intermarriage, but her status as such is not passed upon at this time and she is not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on May 20, 1901, and at Muskogee, Indian Territory, on April 8, May 6, and October 24, 1902.

The evidence shows that the said Charles T. Ironside is of Shawnee blood, and that he is identified on the 1880 authenticated tribal roll of the Cherokee Nation; the 1896 Cherokee-Shawnee pay roll and the 1896 census roll of the Cherokee Nation.

The evidence further shows that the said Charles T. Ironside left the Cherokee Nation about the year 1881, and that he returned thereto and took up his residence therein prior to June 28, 1898, and was residing in said nation on the date last mentioned.

It is, therefore, the opinion of this Commission that Charles T. Ironside should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Birby

Chairman.

(SIGNED

T. B. Needles.

Commissioner.

(SIGNED

C. R. Breckinridge.

Commissioner.

(SIGNED)

M. E. Stanley.

Commissioner.

Dated at Muskogee, I.T.,

this JUN 1 - 1903

JCS

C

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Tahlequah I. T. July 22nd 1903.

Cherokee D. # 1208

In the matter of the application for the enrollment of Charles T. Ironside ~~as~~^a citizen of the Cherokee nation

Protest of the Cherokee nation.

Come now the Cherokee Nation and protests against the decision of the Commission rendered in this case on June 1 1903 and asks that the same with the record in the case be forwarded to the Honorable Secretary of the Interior for Review.

The Cherokee nation contends that this applicant has forfeited his right to be enrolled as a citizen of the Cherokee nation under Article I Section II of the Constitution of the Cherokee nation.

The attention of the Honorable Secretary of the Interior is invited to the testimony as to the residence of the applicant; that he left the Cherokee nation in 1862 and upon his return a short time before his application herein he was sent to prison and while thus absent his wife resided on her farm in the state.

We submit that we do not believe that under the testimony and our view of the law that this applicant should be enrolled.

Respectfully,

W. W. Hastings JCS
Attorney for the Cherokee nation.

1008

Bill [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 23, 1906.

In the matter of the application for the enrollment of
Luvina Ironside as a citizen by intermarriage of the Cherokee
Nation.

Luvina Ironside, being first duly sworn, testified as
follows:

- Q. What is your name? A. Luvina Ironside.
Q. How old are you? A. 45.
Q. You are a white woman? A. Yes sir.
Q. What is your post office address? A. Afton.
Q. You claim no rights as a Cherokee by blood? A. No sir.
Q. You claim by intermarriage? A. Yes sir.
Q. Through whom do you claim that right? A. Charles T.
Ironside.
Q. Is he a Cherokee by blood? A. A Shawnee.
Q. He is on the final roll, is he? A. Yes sir.
Q. When were you married to him? A. We have been married
going on 25 years.
Q. Where were you married? A. In Kansas City.
Q. Were you both living in the Cherokee Nation at the time of
your marriage? A. No sir.
Q. Where were you living? A. In Missouri, and he lived in
the Nation.
Q. Are you his first wife? A. Yes sir.
Q. Is he your first husband? A. Yes sir.
Q. Since your marriage to him have you lived together as
husband and wife? A. Yes sir.
Q. Up to the present time? A. Yes sir.
Q. Where? A. I have lived in the Nation for the last 12 years,
and we lived in the states awhile.
Q. You did not live in the Cherokee Nation up until about 12
years ago? A. No sir.
Q. Has there been any separation, abandonment, or divorce during
your married life? A. No sir.
Q. Is your marriage license on file? A. Yes sir.
Q. You never drew any money in the Cherokee Nation? A. No
sir, I have not, but my husband has.
Q. Your name is not on any of the tribal rolls of the Cherokee
Nation? A. I couldn't say. I have been before the
Commission over two years ago.
Q. Were you married in 1880? A. I have been married going on
25 years.

(There is on file with the Commission a certified copy
of marriage certificate, showing the marriage between
Charles Ironside and Luvina Cecil)

- Q. Is the Charles Ironside, mentioned in this certificate, your
husband? A. Yes sir.

Lovina Ironside --- #23

Q. Is the Lovina Cook, mentioned in that certificate, yourself?
A. Yes sir.

WITNESS EXCUSED.

Eula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 23rd day of February, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 24th day of February, 1905.

Myron White

Notary Public.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largent	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Hendrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Wallley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wylly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Buxt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Pureell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradée	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 740
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1362
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1275
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Haslewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Creach	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Disie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassie	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Pereillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Hanson	D 2994
Josephine King	D 2805	John D. Colvard	D 2996
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D 306	Della Baldrige	R 105
Horace Gray	D 3082	Samuel Richey	R 107
Lula Pack	D 3083	Malissa Fields	R 144
Lelia C. Harris	D 3084	Fred Zimmerman	R 220
Thomas Jones	D 3086	Ella Anspach	R 241
Benjamin Laws	D 3088	Michael R. Mizer	R 266
Martha Spade	D 3092	Belle A. Powell	R 352
Julian Wyrick	D 3093	Austin L. Hill	R 420
Samuel Harlan	D 3157	Mary L. Dudley	R 439
Lizzie Pharris	D 3171	Stephen Hazlett	R 465
Jack Michael	D 3172	Mary A. Payne	R 484
Sarah E. Davis	D 3176	Rebecca Benge	R 563
Grace Guthrie	D 3181	Sarah Wilson	R 613
Mary E. Thornton	D 3183	Dora Crane	R 628
Mamie Thompson	R 4	Andrew Sitrell	R 642
Jimmie G. Thompson	R 5	John Sitrell	R 642
William T. Kelly	R 10	Lillie May Wilson	R 643
Alice Tidwell	R 19	Ollie A. Barger	R 656
Rosenna McLaughlin	R 41	Ida Hawkins	R 671
Martha A. Perdue	R 45	Lizzie Davis	R 761
Gabriel L. Payne	R 61	Clara M. Emmons	R 803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

71

D/20.8

11

FILED
MAR 3 1902

[Handwritten signature]

ACTING CHIEF

>

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXON,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1208

Muskogee, Indian Territory,

March 1, 1902

1902.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mr. Charles T. Ironside,

Vinita, Indian Territory.

SIR:-

You are hereby notified that the application of
yourself and wife

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 21, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

, as you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Copy to J. R. Beaulieu, Agent,
Cherokee, I.T.

Acting Chairman.

Vinita, Indian Territory, March 27, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of March 24, I have the honor to transmit herewith, original jackets and duplicate records in the following applications for enrollment as citizens of the Cherokee Nation:

Cherokee D-198, Lizzie W. Miller, et al.
Cherokee D-237, Hubert Henry, et al.
Cherokee D-1204, Charles T. Ironside, et al.
Cherokee D-1227, Mary Hill, et al.
Cherokee 7204, William M. Donaldson.

Respectfully,

Clerk in Charge.

Encl. P-178.

RP.

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE ENROLLMENT

W. W. HASTINGS, ATTORNEY
J. C. STARR, SECRETARY

Vinita

~~RECEIVED~~ IND. TER.

April 18 1903

Commission to the Five Civilized Tribes,

Muskogee I. T.

Gentlemen:

In compliance with the request of the Commission of date April 15th 1903 there is herewith returned your decision in the case of Cherokee D 1208 Charles T. Ironsides et al and the Cherokee Nation requests that it be permitted to withdraw the protest heretofore filed against said decision in order that the decision may be reconsidered by the Commission.

Respectfully,

C. D. # 1208.

W. W. Hastings
Attorney for the Cherokee Nation

Mr Gale Hair

Talala I. T.

4/11/1902

Dear Sir I

have asked all the
Delawares & Shawnees
that I have seen about
that woman & cant
find or hear of her
asked old Lady Fields this
morning. (John Buller's
sister) & she dont know
her probably if you
would send to Bill
Dodge at ~~the~~ Nowata
and to some one
at Vinita you could
hear of her. Respt

W L Harnage

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1208.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

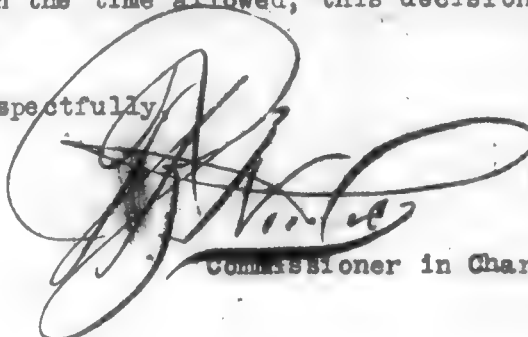
Tablequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Charles T. Ironside for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-2.

Refer in reply to the following:

Land 43554-1903. Department of the Interior,
Office of Indian Affairs.

Washington, August 19th, 1903.

(Copy)

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Charles T. Ironside for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood, and the application of his wife, Louvina Ironside, for enrollment as a citizen by inter-marriage.

On June 1st, 1903, the Commission rendered a decision in this case which does not embrace the application of the said Louvina Ironside, and finds from the evidence that the said Charles T. Ironside is of Shawnee blood, and that he is identified on the 1880 authenticated tribal roll of the Cherokee Nation, the 1896 Cherokee-Shawnee roll pay-roll and the 1896 census-roll of the Cherokee Nation; and that he left the Cherokee Nation about the year 1881, returning thereto prior to June 28th, 1898, and was residing in said Nation on the date last mentioned.

By reason of the foregoing, the Commission is of the opinion that the applicant should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section 21, of the Act of Congress approved June 28th, 1898, (30 Stat. 496.)

The Cherokee Nation files a protest against this decision

of the Commission on the ground that he has forfeited his right to be enrolled as a citizen thereof under Article I, Section 2, of the Constitution of the Cherokee Nation.

Since this applicant's name appears on the 1890 roll of the Cherokee Nation, the office considers that there is nothing in said protest showing that he is not entitled to enrollment in said Nation, and therefore recommends that the Resolution of the Commission be affirmed by the Department.

Very respectfully,

(signed) A. B. Tenner,

Acting Commissioner.

W. C. B. - L. C.

WCF
MAY

Department of the Interior,

Washington, September 8, 1903.

I.T.D. 6332-1903.
IRS

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

July 28, 1903, you transmitted the record in the matter of the application for enrollment of Charles T. Ironside as a citizen of the Cherokee Nation, of Shawnee blood.

It appears that the said Charles T. Ironside is of Shawnee blood, and that he is identified on the 1880 authenticated tribal rolls of the Cherokee Nation. His name also appears upon the Cherokee-Shawnee pay roll of 1896 and the 1896 census roll of the Cherokee Nation. It further appears that said Charles T. Ironside left the Cherokee Nation about the year 1881, and that he returned thereto and took up his residence therein prior to June 28, 1896, and was residing in said nation at the date of this application; that during said absence from the Cherokee Nation he was living in Kansas upon Shawnee land given him by his father, with the exception of about one and one-half years of said time.

By decision dated June 1, 1903, you held that the applicant should be enrolled as a citizen of the Cherokee Nation.

The Attorney for the Cherokee Nation protests against your decision, claiming that the applicant forfeited his right to be enrolled as a citizen of the Cherokee Nation under Article 1, Section 2, of the Cherokee Constitution.

Said section provides that -

"Whenever any citizen shall remove with his effects out of the limits of this nation and becomes a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease."

Reporting August 19, 1903, the Acting Commissioner of Indian Affairs recommends that your decision holding that the applicant should be enrolled as a Cherokee citizen, be affirmed by the Department.

Section 21, of the act of Congress approved June 25, 1890, provides:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll."

It therefore is clear that unless the applicant had forfeited citizenship in the Cherokee Nation subsequent to the placing of his name on the Cherokee roll of 1880 he was entitled to be enrolled as a Cherokee citizen.

The Assistant Attorney General in his opinion of March 16, 1903, relative to the case of Joseph D. Yeargain, et al., states:

"There are three elements clearly defined which must concur to effect forfeiture of nationality, or complete expatriation-- viz: removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship there."

The evidence in this case fails to show whether or not the applicant removed his effects from the Cherokee Nation.

Assuming, however, that he did remove all of his effects from said

-4-

nation, there is no evidence to show that he ever acquired another nationality by assuming the obligations of citizenship elsewhere. The Department is therefore of the opinion that the absence of the applicant from the Cherokee Nation was not such as to affect expatriation. Your decision holding that the applicant should be enrolled as a citizen of the Cherokee Nation is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(signed) E. A. Hitchcock,

Secretary.

1 Inclosure.

Cher. D 1806

Waskagee, Indian Territory, January 10, 1887.

Louvenia Ironside,

Afoth, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1887, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decm. _____

Commissioner,

Cherokee D1303

Muskogee, Indian Territory, March 14, 1907.

Louvenia Irenside,

Aften, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

HPI

Commissioner.

Cherokees
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-100
LMC

E

N 1208

COMMUNICATIONS TO THE BOARD OF DIRECTORS

FILED
OCT 15 1901

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Union Id. Oct 15-1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Charles J. Ironside - (Shawnee) for enrollment as
Freedmen of the Cherokee Nation.

No.

2 1208

J. R. Sequichie

D 1208

IN THE MATTER OF THE APPLICATION OF

Charles T. Ironsides Tab

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

MAR 24 1902 Issued subpoena
for Susan Ironsides Tabala
Returnable April 8, 1902

CHEROKEE

D 1208

Original testimony Nov. 21, 1901
minutes of application Nov. 21, 1901
certified copy of marriage cert.
A. B. supplementary testimony 5/20/01
Receipt for testimony
Notice of final consideration, 3/24/01

D 1208

Rep.

No trans. recd to Cherokee 10/29/01

1/1

20

2

Cher D 1209

Cher D 1209

To be filed in Cherokee by Blood, D 1890, Derris O. Ladd.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 29, 1900.

In the matter of the application of Joseph B. Ladd for the enrollment of himself, wife and six children as Cherokee citizens; being sworn and examined by Commissioner Bruckinridge he testified as follows:

- Q Give me your full name? A Joseph B. Ladd.
Q How old are you, Mr. Ladd? A 50 years old.
Q What is your post-office? A Grove.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll, yourself?
A Myself and family.
Q That's all your wife and how many children? A Wife and eight children, but there is two of them of age.
Q Six that are under age and unmarried and alive? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q Your wife is a Cherokee? A Yes sir.
Q Show me your marriage license and certificate? A They are worn out; I kept them until they were out.
Q You were married before 1880? A I don't know sir, I was in Kentucky in 1880; I was on the rolls before that and on the rolls since.
Q When you married in 1875 how long did you stay here then? A I staid here until the spring of 1877 and moved back to Kentucky and staid there until the fall of 1880 and come back.
Q Then when you come back in 1880 why didn't you get a certificate of admission? A I have been on the rolls since; I never got a certificate because there was no use of it.
Q What did you go to Kentucky for? A Moved there to live there.
Q And then you concluded you wouldn't live there? A Yes sir, and come back from Kentucky; I have been here ever since.
Q You come back from Kentucky in the fall of 1880? A Yes sir.
Q You went there how long after your marriage? A Married in the spring of 1875 and I went to Kentucky in the spring of 1877.
Q Give me your wife's name? A Mary Josephine Ladd.
Q How old is she? A About 46 years old.
Q She is not on the roll of 1880 either? A No sir.
Q But she is on the roll of 1896 you think? A Yes sir.
Q You and she have lived together ever since your marriage in 1875? A Yes sir.
Q Now give me the names of these children? A Burnett B. Ladd.
Q How old is he? A I think he is 15 years old.
Q Next child? A Henry B. Ladd.
Q How old is he? A He is 13 years old.
Q Next child? A James B. Ladd.
Q How old is he? A They are twins, same age.
Q What is the next child? A Tula May.
Q How old is that child? A 10 years old.
Q Next child? A Clara L.
Q How old is she? A 7 years old I think.
Q Next child? A Mattie Pearl.
Q How old is she? A She is three years old past.
Q That's all isn't it? A Yes sir.
Q These children all living now? A Yes sir.
1896 roll page 500 1898 Joseph B. Ladd, Delaware District;
1 896 roll page 496 1898 Mary J. Ladd, Delaware District, native Cherokee
1896 roll page 496 1898 Burnett B. Ladd, Delaware District
1896 roll page 496 1898 Henry B. Ladd
1896 roll page 496 1898 James B. Ladd
1 896 roll page 496 1898 Tula M. Ladd, Delaware District;
1 896 roll page 496 1898 Clara L. Ladd,

2
3
Joseph B. Ladd et al 2

Q These six children were all born after you and your wife returned to the Cherokee Nation, yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, wife and six children; he states that his wife is a native of the Cherokee Nation and that they were married in 1878, and that their marriage license and certificate have been destroyed; in 1877 he went with his wife to Kentucky, and staid there until the fall of 1880, having gone for the purpose of making the State of Kentucky his home; he came back to get upon the roll of 1880, and neither he nor his wife are upon that roll. Both of them are identified on the roll of 1896; the applicant will now be placed upon a doubtful card as an intermarried Cherokee, and he will be required to furnish an official copy of his marriage license and certificate, and attention is also called to Section 2, Article 1, of the Constitution of the Cherokee Nation, in connection with the fact stated by the applicant that neither he nor his wife have ever been re-admitted by the Cherokee National Commission or Council. His wife as a native Cherokee will be placed upon a doubtful card with her husband.

Of the six children enumerated in the testimony the first five are identified with their parents on the roll of 1896; they are all living at this time and they will be listed as native Cherokees upon a doubtful card. And when proper certificate is presented as to the youngest child, Mattie Pearl, she will also be listed as a native Cherokee upon a doubtful card.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes the recd.

(signed) M. D. Green.
Subscribed and sworn to before me this 29 day of September 1900.

(signed) C. R. Breckinridge,
Commissioner.

M. D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M. D. Green
Subscribed and sworn to before me this August 9th, 1901

Commissioner.

Comptroller-General.

John W. Smith

1001 1001 1001

John W. Smith

These are the contents of the above-mentioned notes which
have been deposited in the office of the Comptroller-General
for the purpose of being preserved as a permanent record of
the same. The notes are in the possession of the
Comptroller-General and are not to be removed
from his office without his authority.

FILED
28 1901

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Acting Comptroller-General

1001 1001 1001

The Rollers by blood;

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 21, 1901.

In the matter of the application of Burris O. Ladd for the enrollment of himself as a Cherokee by blood; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give me your full name? A Burris O. Ladd.
Q How old are you? A 22 years.
Q What is your post-office? A Grove, Indian Territory.
Q In what district do you live? A Delaware District.
Q Who do you want to enroll and how many? A No one.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Little over 21 years.
Q Have you been here all of your life? A No sir, I was a year old when I came here, little over a year, month or two.
Q Where were you born? A In Kentucky.
Q Give me the name of your father? A Joseph B. Ladd.
Q Is your father dead? A No sir, still living.
Q Give me the name of your mother? A Mary J. Ladd.
Q She is alive is she? A Yes sir.
Q Is your father a Cherokee or a white man? A White man.
Q Is your mother a Cherokee by blood? A Yes sir.
Q Was your mother ever admitted to citizenship by the Cherokee Council or commission? A I think she was, yes, sir.
Q When, have you any evidence of it? A I don't know exactly when.
Q Are you upon any of the rolls of the Cherokee Nation? A 1896.
Q That's the only one is it? A Yes sir, I wasn't here on the 1890 roll.
Q Is your mother upon any roll? A Yes sir, she is upon the 1896.
Q But that is all is it? A That's all I know of, yes sir.

1896 census roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 496 #1882 Burris O. Ladd, Delaware District.

- Q What was your mother's maiden name? A Mary J. Vann.
Q Has your mother ever married except to your father? A No sir.
Q Was your father ever married except to your mother? A No sir, I think not.
Q Has your mother ever applied for enrollment? A They have all enrolled except me.
Q With me? A Yes sir.

Com'r Breckinridge: The applicant states that he has lived in the Cherokee Nation for 21 years, having been brought to the Cherokee Nation from the State of Kentucky when he was a infant; he is identified on the roll of 1896, but he is upon no other rolls; and he states that his mother, who he also claims to be a Cherokee by blood, is only upon the roll of 1896; his father is a white man; it appears from the testimony in the case of the applicant's father and mother, Cherokee doubtful case 470, that the applicant's mother was taken to the State of Kentucky in 1877 by her husband, to which state they went for the purpose of making their home, and that they returned to the Nation sometime before late in get upon the roll of 1896; it further appears that neither the applicant's father or mother were ever readmitted to citizenship the applicant will now be listed for enrollment as a Cherokee by blood, on a doubtful card, and reference is made to the case of his parents for further information in regard to his status through his mother; the final decision of the Commission will be made known to the applicant at his post-office address.

Exhibit 10, Page 2

H. D. Green, being first duly sworn, states that as stenographer to the Commission on the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H. D. Green

Subscribed and sworn to before me this May 25, 1901.

Whitcomb

Commissioner

WILLIAMS PAPER

001209

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE LAND OWNERS
FILED
MAY 21 1907

[Handwritten signature]

Supl.,-C.D.#1209

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of BURRIS O. LADD
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 21st day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant has this day, to-wit: the 21st day of March, 1902, been called, and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission to final consideration based upon the evidence now of record.

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I, J. O. Reason, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Reason

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2913

In the matter of the application for the enrollment of Burris O. Ladd as a citizen by blood of the Cherokee Nation.

DECISION.

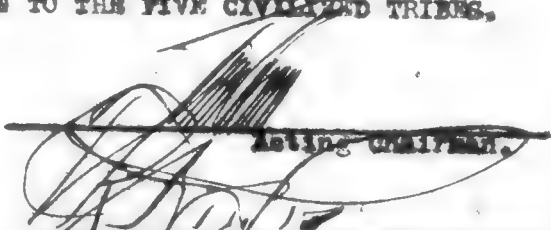
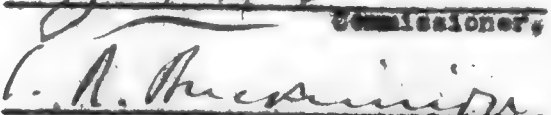

The record in this case shows that on May 21, 1901, Burris O. Ladd appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 21, 1902. The testimony of Joseph B. Ladd, taken September 29, 1900 has been made part of the record in this case.

The evidence shows that the said Burris O. Ladd is a Cherokee by blood, and the records of the Cherokee Nation in possession of this Commission show that he is identified on the 1883, 1886 and 1894 pay rolls of the Cherokee Nation, and on the 1896 census roll of the said Nation, as a Cherokee by blood.

The evidence further shows that the said Burris O. Ladd at the date of the application, had resided in the Cherokee Nation continuously for twenty-one years, and that he was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that the said Burris O. Ladd should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 25, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman,

Commissioner,

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 7th 1900.

**In the matter of the application of Harris O. Ladd for enrollment as
a citizen of the Cherokee Nation. Cherokee D. 1909.**

Protest of the Cherokee Nation.

The testimony in this case shows that the applicant was twenty two years old on May 21, 1901 or that he was born in 1879 and was born in the State of Kentucky; that his fathers name was Joseph B. Ladd and that they had lived in the Cherokee nation prior to eighteen hundred and eighty, a short time and in 1877 moved to Kentucky and in answer to this question put to his father who testified in this case September 29th 1900 at Vinita "Q What did you go to Kentucky for?" "A Moved there to live there." His father claims that he returned to the Cherokee nation in the fall of eighteen hundred and eighty or after an absence of a little more than three years.

If there is any virtue in the in the constitution of the Cherokee Nation this applicant is not entitled to be enrolled as a citizen of the Cherokee Nation. Section two, Article one of the Cherokee Constitution provides:

"Whenever any citizen shall remove with his effects out of the limits of this nation and become a citizen of any other government all of his rights and privileges as a citizen of this nation shall cease."

Now in this case there is not the slightest evidence that this applicant is a Cherokee by blood except that his name appears upon some pay rolls made by the Cherokee nation subsequent to eighteen hundred and eighty but there is no testimony tending to show that his father and mother were recognized as Cherokee citizens prior to eighteen hundred and eighty and no proof is introduced tending to show that they were readmit-

ted to citizenship upon their return from Kentucky in the fall of 1880, if the family were recognized as citizens before 1877. Under the Cherokee Constitution they clearly forfeited their rights when they moved to Kentucky as his father states it he "Moved there to live there" that is to make it his home.

It is true he changed his mind and returned to the Cherokee Nation but his intention was when he left the Cherokee Nation to leave it permanently and his intention was to become a permanent citizen of the State of Kentucky, and he remained there more than three years, and under the sixth section of the act of February 3, 1887 (24 Stats., 588-590) these people became citizens of the state of Kentucky and at that moment forfeited their right to be enrolled as citizens of the Cherokee Nation and upon their return it was necessary for them to have been readmitted to citizenship in said nation.

For these reasons we submit that the applicant is not entitled to be enrolled as a citizen of the Cherokee nation.

Respectfully Submitted,

W W Hastings
Attorney for the Cherokee Nation.

Attest:
J C Starr
Stenographer for Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1209.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

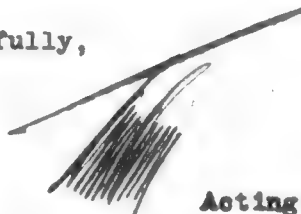
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Burr's O. Ladd for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 15.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1209.

Muskogee, Indian Territory, October 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date September 20, 1902, granting the application of Burris O. Ladd for the enrollment of himself as a citizen by blood of the Cherokee Nation, a copy of which said decision was furnished you on September 24, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Acting Chairman.
In Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1209

ALLISON WYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1903.

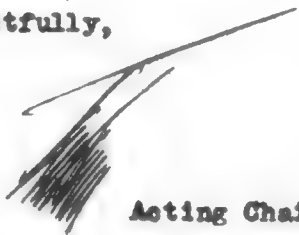
W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of Burris O. Ladd for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 30, 1903.

Respectfully,



Acting Chairman.

Cher D 1210

Cher D 1210

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 21st 1901.

In the matter of the application of Mary Williams for the enrollment of herself and three children as Cherokee citizens by blood; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Mary Williams.
Q How old are you? A Going on 24 years.
Q What is your post office address? A Spavinaw.
Q In what district do you live? A Saline.
Q Do you want to enroll as a Cherokee by blood? A Yes sir.
Q Do you want to enroll any body besides yourself? A Three children.
Q Have you a husband? A He is dead.
Q How long have you lived in the Cherokee Nation? A I was raised and born here.
Q You have lived here all your life then? A Yes sir.
Q Give me the name of your father? A Martin Fleming.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Leanna.
Q Is your mother alive? A No sir she is dead.
Q How long has she been dead? A She has been dead about 19 years.
Q Have you been married more than once? A Twice.
Q Give me the name of your first husband? A Steve Hazlip.
Q Is he dead? A He is living.
Q Give me the name of your second husband? A Charles Williams.
Q Is he dead? A Yes sir, died the 3rd day of last December.
Q Was he a white man or Cherokee? A White man.
Q Was your first husband a white man or a Cherokee? A White man.
Q Have you a certificate of your marriage? A They are here in your hands, my lawyer had them put there.
Q Give me the names of your children? A Guilla Ann Williams.
Q How old? A 6 years.
Q Next child? A Viola Williams.
Q How old? A 5 years.
Q Next child? A Pascal Williams.
Q How old? A 3 years.
Q Are these children all living now? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir I am on two of them.
Q What rolls? A June '00 and the '94 roll.
Q Did you ever apply to the Dawes Commission for admission to Cherokee citizenship? A No sir.
Q You said that your lawyer had placed in the hands of the Commission your marriage license, was that 4 years ago before the Dawes Commission? A Yes sir.
Q Didn't you apply then? A No sir we tried to but didn't apply.
Q Is your father a white man? A Yes sir.
Q Your mother was a Cherokee by blood was she? A Yes sir.
Q Who is Owen Slater? Is he kin to you? A Not as I know of.
Q Who is Ella E. White? A I don't know her.
Q Who is Angeline Kinney? A I don't know them.
Q How long have you borne the name of Williams? A Going on 7 years

Applicant not found on the roll of 1885.

Applicant's mother not found on the roll of 1880.

Applicant nor her children found on the roll of 1896.

Q Did you draw your strip money? A Yes sir.

The 1894 roll examined and applicants found as follows:

Page 393 No. 1106, Mary Flemming, Delaware district.

Page 393 No. 1106, Quilla Flemming, Delaware district.

WALTER A. WEST, called and sworn as a witness testified as follows:

Q What is your name? A Walter A. West.

Q How old are you? A 60.

Q What is your post office? A Spavinaw.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant, Mary Williams? A Yes sir, I have seen her.

Q How long have you been acquainted with her? A 4 or 5 years.

Q Do you know who she was before she bore the name of Williams? A No sir.

Q You know nothing of her antecedents? A No sir.

Q Did you know her father? A No sir.

Q Did you know her husband Charles Williams? A Yes sir I helped to bury him.

Q Did you know her children? A I have seen them, one or two of them.

By Com'r Breckinridge,-

The applicant applies for the enrollment of herself and three children; she states that she has lived in the Cherokee Nation all her life; she is 24 years of age and states that her father was a white man and her mother, now deceased, was a Cherokee by blood. The applicant is not identified upon the roll of 1880 or upon the roll of 1896; she is identified under her maiden name on the roll of 1894. Her mother, who is said to have been dead 19 years, is not found upon the roll of 1880; the applicant will now be listed for enrollment as a Cherokee by blood upon a doubtful card for the further consideration of her case upon the testimony stated, and for her further identification with reference to her change of name by marriage. Of the three children named in the testimony, the eldest one, Quilla Ann is identified on the roll of 1894, but not upon the roll of 1896; this child is said to be 6 years of age and is now living; it will be listed for enrollment as a Cherokee by blood on a doubtful card. The applicant states that the child's father was a white man and he is now deceased. When the Commission is supplied with proper certificates of the birth of the two younger children, Viola and Pascal, aged respectively 5, and 3 years, and neither of whom are on any roll, these children being the result of her last marriage, and living, they will now be listed for enrollment as Cherokees by blood upon a doubtful card.

ADDITIONAL TESTIMONY

By Commissioner C. R. Breckinridge,
of applicant.

Q Did you ever apply, or was application ever made for you to the Cherokee council or court of citizenship, for admission? A No sir.

Q Were you ever admitted by the U. S. Court? A No sir.

Q Was application ever made to the Cherokee authorities for the admission of your mother, that you know of? A Not as I know of.

Mary Williams 3.

Q Was application ever made to the Commission that you know of? A
No sir.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the above cause and that the foregoing is a full and correct transcript from his notes.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 28th of May, 1901, at
Chelsea, I. T.

(Signed) C. R. Breckinridge.
Commissioner.

Louise Smith, being sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the foregoing copy, and that same is a true and complete copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this October 18, 1905.

Edward M. [Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 21 1901


ACTING CHAIRMAN.

Salvador
CHEROKEES BY BLOOD AND ADOPTION.

Date *March 21* 1900.

Name *Spencer J. L.*

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

24 License _____ Certificate _____

Wife's name *Mary Williams*

District *Dec.* Year *1894* Page *393* No. *1105-*

Citizen by blood *yes* Mother's citizenship *Martin Fleming*

Intermarried citizen *no* *Lionel Fleming*

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

<i>1</i>	<i>Guilla A. Williams</i>	Dist. <i>Dec.</i>	Year <i>1894</i>	Page <i>393</i>	No. <i>1106</i>	Age <i>6 yrs</i>
<i>2</i>	<i>Viola</i>	Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>5 "</i>
<i>4</i>	<i>Pascal</i>	Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>3 "</i>
		Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>"</i>
		Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>"</i>
		Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>"</i>
		Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>"</i>
		Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>"</i>
		Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>"</i>
		Dist. <i>"</i>	Year <i>"</i>	Page <i>"</i>	No. <i>"</i>	Age <i>"</i>

For 1 on 1894 Roll as Mary Fleming
Vol. 1105- Dec 1894
Vol. 1 on 1894 Roll as Mary Fleming
Vol. 874 Proof of birth to the applicant

-COPY-

To be filed in C. D-1210.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Mary Williams for the enrollment of herself and children as citizens of the Cherokee Nation.

Applicant represented by W. F. Rasmus, Tahlequah, I. T.

--O--

The applicant and her attorney were notified by registered letter March 1, 1902, that the application of Mary Williams for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 21st day of March, 1902.

Receipt was acknowledged of the Commission's letter and on said date the Cherokee Nation, by its representatives, requested the case to be continued until April 5, 1902. The case having this day to wit, the 5th day of April, 1902, been called, the applicant failing to respond either in person or by attorney, the record in the same is deemed completed and will be reported to the Commission for decision, based upon the evidence now of record.

---OO---

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. G. Rothenberger,

Louise Smith, being sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above copy and that same is a true and complete copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this October 18, 1905.

Edward Merriam
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

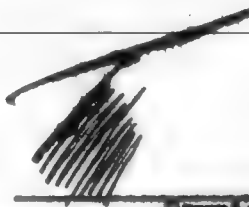
In the matter of the application for the enrollment of
Mary Williams, et al., as citizens by blood of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, May 21, 1901, Mary Williams appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of herself, and her minor children, Quilla Ann, Viola and Pascol Williams, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, April 5, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, herein is a Cherokee by blood; that the minor applicants herein, Quilla Ann, Viola and Pascol Williams, are minor children of said Mary Williams, were born November 5, 1894, March 1, 1896, and July 31, 1898, respectively, and that all of said applicants were born in the Cherokee Nation and have continuously resided therein since birth. A careful examination of the records of this office fails to show that any or either of the above named applicants were ever admitted to citizenship in the Cherokee Nation by any duly constituted court or Commission of said Nation, or by the Commission to the Five Civilized Tribes acting under authority of the Act of Congress approved June 10, 1896 (29 Stat. 321), or by the United States Court in Indian Territory, on appeal therefrom, and excepting that the principal applicant herein, Mary Williams, is identified on the Cherokee Strip Payment roll of 1894, no one of said applicants has ever been recognized in any manner as a citizen by blood of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 496), Mary Williams, Quilla Ann Williams, Viola Williams and Pascol Williams are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied.



Commissioner

Dated at Muskogee, Indian Territory,

this FEB 28 1907

Label D/210

00

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 6 1901



ACTING CHAIRMAN.

Chelsea, Indian Territory, June 5th, 1901.

Mrs. Mary Williams,

Spavinaw, Indian Territory.

Dear Madam:-

The Commission is in receipt of birth certificate in the matter of the application of Viola Williams for enrollment as a citizen by blood of the Cherokee Nation.

When you applied for the enrollment of this child you advised the commission that she was five years of age. From the birth certificate it appears that she was six years of age on the first day of March, 1895. Please advise the Commission promptly as to the correct age of your daughter.

Very truly yours,

In answering refer
to Cherokee D 1210.

Commissioner.

Nowata, Indian Territory, June 25th, 1901.

Mrs. Mary Williams,

Spavinaw, Indian Territory.

Madam:—

The Commission is in receipt of your letter of the 19th instant in which you state that your daughter, Viola Williams, was born March 1st, 1896 and not March 1st, 1895. The certificate as to her birth, from which it appears that she was born March 1st, 1895, is therefore returned to you for correction.

Very respectfully,

Commissioner.

Enc. C, #01210.

JAS. S. DAVENPORT,
ATTORNEY-AT-LAW,
VINITA, I. T.
ROOMS 8 AND 10, NEW HALSELL BUILDING.

J. S. DAVENPORT. W. B. HALL.
DAVENPORT & HALL,
ATTORNEYS-AT-LAW,
CLEARENCE, I. T.
OFFICE ON 2ND ST. AND CATALAN AVENUE.

Vinita, I. T., January 30, 1902.

J. C. Starr, Esq.,

Muskogee, I. T.

Dear Sir:

In reply to your letter in regard to the Charley Williams record will say that Charley Williams was living in '96 and was also living when the Daves Commission was at Tahlequah enrolling a year ago last November. The Charley Williams that I refer to is the man that died at Pryor Creek under suspicious circumstances of having been robbed, as you will probably remember, this last summer or spring. His post-office would have been Spavinaw. Minnie Williams is his wife, and I can not give you the names of any others of the family. It might be that her name is Mollie Williams, but to save me I can not think of what her name was prior to her marriage. She and her father's family were the claimants, but I can not remember the name. However, she and Charley were married in '96 and her name would probably have been as Minnie or Mollie Williams, or Charley Williams and family. I know that they came to Tahlequah last fall and made application, or at least Mr. Washbourne told me they did. If from this you can not get definite information I will look the matter up and get further information or the names of the parties along the line.

Yours very truly,

Jas. S. Davenport

Cherokee D-1810

Muskogee, Indian Territory, March 17, 1902.

Mr. John D. Calvert,

Fryer Creek, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 13, stating that on account of illness Mrs. Mary Williams will be unable to appear before the Commission on the date set for the final hearing of her application for the enrollment of herself and children as citizens of the Cherokee Nation.

In reply, you are advised that Mr. William F. Ramms of Tahlequah, represents these applicants as attorney. You are requested to communicate with Mr. Ramms and advise the Commission to what date you would request the case to be continued.

Yours truly,

Commissioner in Charge.

D-1210.

Muskogee, Indian Territory, June 28, 1902.

Mrs. Mary Williams,
Spavinaw, Indian Territory.

Sir:

In the matter of your application for the enrollment of yourself and your minor children, Quilla A., Viola and Pascal Williams as citizens by blood of the Cherokee Nation, the Commission is unable to identify you on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Mary Fleming which you state in your testimony was your maiden name.

You will please advise the Commission of the name your mother bore in 1880, and if you had any brothers or sisters at that date, give the name or names they then bore, and any other facts that will enable the Commission to identify you or your mother on said 1880 roll.

You are advised that the birth affidavit for your minor child, Viola Williams has not been returned to the Commission as required by letter of June 28, 1901. This affidavit should be corrected and promptly returned.

Very respectfully,

Registrar.

Commissioner in Charge.

COPY

Cherokee
B-1214

Muskogee, Indian Territory, May 23, 1905.

Mary Williams,

Spavinaw, Indian Territory.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of your child, Quilla Williams, as a citizen by blood of the Cherokee Nation, it will be necessary for you to file with this Commission an affidavit showing the birth of said child. For this purpose there is inclosed you herewith a blank affidavit, which you are requested to fill out and return to the Commission at the earliest possible date.

An envelope for reply, requiring no postage, is inclosed herewith.

Respectfully,

Jama Kirby

Chairman

2 Incl. B-14

REPLY IN FULL TO THE FOLLOWING:
Cherokee D 1210.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

200
Muskogee, Indian Territory, October 20, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the application of Mary Freeman for the enrollment of herself and children as citizens of the Cherokee Nation, you are advised that before her right to enrollment can be finally determined it will be necessary that further testimony be introduced as to the right of the said Mary Freeman and her mother, Leona Fleming, to citizenship in the Cherokee Nation. It is necessary that testimony also be introduced tending to show whether or not the principal applicant is identified on any of the tribal rolls of the Cherokee Nation other than the 1894 pay roll.

The principal applicant, has, therefore, this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 2, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

[Signature]
Commissioner.

Cherokee D-1210.

COPY.

Muskogee, Indian Territory, November 7, 1905.

Mary Freeman,

Spavinsaw, Indian Territory,

near Madam:

You are hereby advised that at the request of your attorney, William Henry White, Washington, D. C., your Cherokee enrollment case has been continued from November 2, to November 23, 1905, at nine o'clock A. M., at which time you are directed to appear before the offices of the Commissioner to the Five Civilized Tribes for the purpose of introducing testimony as indicated in the former letter of this office to you.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in your case.

Respectfully,

SIGNED

Tama Bixby.
Commissioner.

LS
Register

REFER IN REPLY TO THE FOLLOWING:

Cherokee 2-1810

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

Muskogee, Indian Territory, November 7, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that at the request of William Henry White, attorney for Mary Freeman, et al., the Cherokee enrollment case of said Mary Freeman has been continued from November 2, to November 23, 1905, at which time Mary Freeman has this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes for the purpose of introducing testimony as indicated in this office's former letter to her, the contents of which you have heretofore been advised.

Respectfully,



Commissioner.

LS

April 21, 1906

The Commissioner to the
Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:

Your letter of April 11, 1906, in re application of Mary
Freeman, et al. for Cherokee enrollment was duly received. I
have not been able to get from my client any sufficient facts
to present to you. I trust that at the time set by you for
hearing she will be able to produce some facts.

Very respectfully,

(Signed) Wm. Henry White

WHW-JRC

Muskogee, Indian Territory, February 28, 1907.

William Henry White,
Attorney at Law,
Washington, D. C.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Mary Williams, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED *Wm. Bixby.*
Commissioner.

Encl. 1-2
JMH

COPY

Waskagee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Mary Williams, Quilla Ann Williams, Viola Williams, and Pascol Williams, as citizens by blood of the Cherokee Nation, together with the Commissioner's decision, dated February 28, 1907, rejecting said application.

Respectfully,

SIGNED *Tams Bixby*,

Commissioner.

Incl. CE-14.

GUL

Through the Commissioner
of Indian Affairs.

COPY

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Mary Williams, Quilla Ann Williams, Viola Williams, and Pascoo Williams, as citizens by blood of the Cherokee Nation, together with the Commissioner's decision, dated February 28, 1907, rejecting said application.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Incl. GL-14.

CHL

Through the Commissioner
of Indian Affairs.

Cherokee D 1210

COPY

Muskogee, Indian Territory, February 28, 1907.

Mary Williams,

Spavinaw, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of yourself and children as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the matter has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Encl. B-3

FM

Register.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D 1210

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Mary Williams, et al., as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the matter, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. 2-8 1/2
JMH

Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
References in
body of letter.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith seven communications from Commissioner Bixby, all dated February 28, 1907, inclosing the records in the matter of seven citizenship cases, as follows:

21925-1907. James T. Allison and Thomas D. Allison, applicants for enrollment as citizens by blood of the Cherokee Nation. No application made for their enrollment prior to December 1, 1905.

21927-1907. Mary Williams, Quilla Ann Williams, Viola Williams, and Pascal Williams, applicants for enrollment as citizens by blood of the Cherokee Nation.

None of the applicants are identified on the 1880 roll or have ever been admitted to or recognized as citizens of the Cherokee Nation by the authorities thereof, or admitted by the Commission to the Five Civilized Tribes or the United States Courts in the Indian Territory, except that the name of Mary Williams appears on the Cherokee strip payment roll of 1894.

21928-1907. Elizabeth Gillis, applicant for enrollment as a citizen by blood of the Cherokee Nation. Applicant denied under the provisions of the act of Congress of June 10, 1896 (29 Stat. L., 321), and no appeal taken therefrom. Applicant has never been admitted to citizenship in the Cherokee Nation by the authorities thereof.

21929-1907. Austa T. Richardson, for herself and children, Journey, Large, William, Iva Hona, Charles Alexander, Ross Rome, Lou Saphronia, Frank D., Pernie Tiner, Lillie Naud, Stella May, and James B. Richardson; by Abraham Allington for himself and his minor children, Martha Emeline, Henry William, Mary Bell, Alexander T., Rixie S., Joseph Jefferson, and Wattie Pearl Allington; by Nicie Saphronia Ford, for her minor children, Effie, James, Clifford and Martha Ford; by Charles Richardson Allington for himself and children, Martha E. Gaston, Charles William, Jerome, Eva Hona, Edwin James, Emma Lee, John, Daniel, and George Monroe Allington, and Maggie Viola Gaston, and Hona Pearl Gaston; by Mary Ellen Wallace for herself; by George Allington for himself and children, William Tillman Allington, Jr., and Ethel Ann Allington; by Iva James Jenkins, for herself and children, Mary Charlotte, Loretta Ann, Bessie K., Lillie S., Iva F., and John A. Jenkins, and Ollie M. Goodrich (nee Jenkins); by James G. Jenkins, for himself and children, Goldie M. Jenkins and Gracie E. Jenkins; by William Tillman Allington for himself; by Julia Lucinda Dansby, for herself

and children, Cecil May, Charles William, Mary Elceta, and William H. Dansby; by Lena Downey for herself and children, Robert Lee, William C., Sallie Pearl, Simon W., Allie May, Annie, Rose Bell, and Lucinda L. Downey.

Applications for all the above applicants were denied by the Commission to the Five Civilized Tribes and appeal taken therefrom to the United States Court for the Northern District of the Indian Territory, the judgment of the Commission having been affirmed by the Court.

The names of none of these parties are identified on any tribal roll of the Cherokee Nation, and it is not shown that they have ever been admitted to or recognized in any manner as citizens of the Cherokee Nation. No application of any character whatsoever was made prior to December 1, 1905.

21930-1907. John Da-mu-wa, applicant for enrollment as a minor citizen of the Cherokee Nation under the provisions of the act of April 26, 1906 (34 Stat. L., 137).

The applicant is not the child of enrolled members of the Cherokee tribe or persons who had applications for enrollment pending on April 26, 1906.

21931-1907. Willie Hagsheeter, applicant for enrollment as a minor citizen of the Cherokee Nation under the provisions of the act of April 26, 1906 (34 Stat. L., 137).

The parents of the applicant are not shown to be enrolled citizens of the Cherokee Nation.

1

11233-1997. Hazel Reed, applicant for enrollment as a minor citizen of the Cherokee Nation under the provisions of the act of April 26, 1906 (34 Stat. L., 137).

The parents of the applicant are not shown to be enrolled citizens of the Cherokee Nation, or persons who had applications pending for enrollment on April 26, 1906.

The Office has examined the decision in each of the above cases and is of the opinion that the decision of the Commissioner adverse to the applicants in each case is correct, and it is recommended that they be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EVE:IM

D. C. 13320-1907.

I.T.D. 8064-1907.

L.R.S.

DIRECT.

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.V.Jr.

RJH

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. A copy of Indian Office letter of March, submitting your reports, and recommending that your decisions be affirmed, is inclosed.

Title of case.

Date of your
letter of transmittal.

Hazel Reed, minor Cherokee,	February 28, 07,
Elizabeth Gillis, Cherokee by blood,	"
John Ba-nu-wa, minor Cherokee,	"
Willie Hogsheeter, minor Cherokee,	"
James T. and Thomas B. Allison, Cherokee by blood, "	"
Mary Williams, et al., Cherokee by blood,	"
Austa T. Richardson, et al., Cherokee,	February 27, 07.

A copy hereof and all the papers in the above named cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inc. and 14 incs.
for Ind. Off.

A.F.Mc
3-6-07.

Cherokee D-1210

COPY

Muskogee, Indian Territory, March 21, 1907.

Mary Williams,

Spavinaw, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting the application for the enrollment of yourself and others as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED *C. M. Smith*
Commissioner.

JMH

Cherokee D-1210

COPY

Muskogee, Indian Territory, March 21, 1907.

William Henry White,
Attorney for Mary Williams, et al.,
Washington, D. C.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Mary Williams, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-70
JMH

SIGNED *Cams S. Mott*
Commissioner.

Cherokee N.M. 86
et al.

COPY

Muskogee, Indian Territory, March 21, 1907.

V. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, dated February 27 and 28, 1907, rejecting the applications for the enrollment of the following named persons, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907:

Handl Reed, minor Cherokee.
Elizabeth Gillis, Cherokee by blood.
John De-mo-wo, minor Cherokee.
Willie Hognhoeter, minor Cherokee.
James T. and Thomas D. Allison, Cherokees by blood.
Mary Williams, et al., Cherokees by blood.
Anata T. Richardson, et al., Cherokee.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Enc. N-71
JMK

Commissioner.

801210

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 12 1901

[Handwritten signature]

BY THE CHAIRMAN

[Large handwritten signature]

[Small handwritten mark]

COMMISSIONERS:
HENRY L. DAWES,
TAMM BEEBY,
THOMAS B. NEEDLES,
C. R. BECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

XX Gibson L. Sept 5 1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of
Mary Williams et al for enrollment as
citizens of the Cherokee Nation.

No. 601310

J. M. Rasmussen
attys.

Nash DC, Indian Territory, Feb 25 1906

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Case B 1210

Mary Williams et al

Justine White

Attorney for Applicant

1210

IN THE MATTER OF THE APPLICATION OF

Mary Williams et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

See P. H 65-

Cher D 1211

Cher D 1211

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1091 32

William C. Smith - 2.

Q Where was your uncle sentenced to prison? A Fort Smith, Ark.
 Q For what offense was he sent to prison?
 Q Who was it he is said to have killed? A A man by the name of
 Allen.
 Q Do you know his full name? A No, sir, I have forgotten his full
 name.

Q 1211

Commissioner: The applicant applies for the enrollment of
 an uncle, who is shown to be in the penitentiary at Detroit,
 and whose in consequence of his imprisonment to apply for
 himself. His uncle, William C. Smith, is said to be about 45
 years of age, and to have lived in the Cherokee Nation all
 his life until he was sent to prison about 1890 or 1891. He
 is said to have been sentenced at Fort Smith, Arkansas, to
 life imprisonment, and it is not claimed that he is on any roll
 subsequent to his sentence. It appears further that his father
 and mother have both been dead thirty years or more. It is
 said that his father was a white man, and his mother was a half
 breed Cherokee. Under the conditions stated, William C. Smith
 will now be listed for enrollment as a Cherokee by blood on a
 doubtful card for the consideration of such rolls as he may be
 upon, and also of the court records. He is said to be upon all
 the rolls prior to his imprisonment, and that were taken during
 his life. The final decision of the Commission will be communi-
 cated when it is rendered.

Q In what district did your uncle live? A He lived in the
 enrolled from Redwood district.
 Q I mean his home at the time he was sent to prison? A He was
 living in Goodnow, I think he was arrested in Delaware close to
 Southwest City, but his early home was in Redwood.

Ernest G. Jones, being duly sworn, says that he accompanied to
 the Commission to the five divided tribes he correctly recorded the
 proceedings and testimony in the above case and the foregoing is a
 true and complete transcript of his stenographic notes thereof.

Ernest G. Jones

Sworn to and subscribed before me this 27th of May, 1891.

[Signature]

Commissioner.

Cherokee by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 24, 1901.

In the matter of the application of Felix G. Gowan for enrollment of William G. Smith as a Cherokee by blood.

Felix G. Gowan, being duly sworn and examined by Commissioner Brookbridge, testified as follows:

Q What is your name? A Felix G. Gowan.

Q How old are you? A 33.

Q What is your post office? A Vinita.

Q You are here I believe to make application for an uncle?

A Yes, sir.

Q Only for one person, just this uncle? A Yes, sir, that is all.

Q He is in prison at this time? A Yes, sir.

Commissioner: The applicant presents a letter from his uncle requesting him to make the application, as he is detained in prison at Detroit, and under the circumstances the application is permitted. The letter is returned to the applicant.

Q Give me the name of your uncle? A William G. Smith.

Q How old is your uncle? A I can't tell you that exactly, how old he is, somewhere in the neighborhood of 45.

Q Where is he confined in prison now, Detroit, Michigan? A Detroit, Michigan, yes sir.

Q When was he sentenced to prison at Detroit? A I can't say, it was something like '75 or '77 or '8 or somewhere in the neighborhood there.

Q For how long a term of imprisonment was he sentenced? A For life.

Q Is he in what is known as the penitentiary at Detroit? A Yes, sir.

Q Has he a family? A He has one son.

Q Where is that son? A He is in Coffeyville, Kansas.

Q Where was your uncle born? A Born in the Nation, Cherokee Nation.

Q How long did he live in the Cherokee Nation? A Lived here all his life until he was sent to the penitentiary.

Q Give me the name of his father? A I can't do that, I don't know what is his father's name, I don't know anything about him.

Q Give me the name of his mother? A Sarah I think was her name.

Q Sarah Smith? A Yes, sir.

Q Is his father dead? A Yes, sir.

Q Is his mother dead? A Yes, sir.

Q How long has his mother been dead? A Been about thirty years.

Q Have you any idea how long his father has been dead? A No, sir, some time prior to that though.

Q What degree of Cherokee blood is claimed for your uncle? A I think he is a quarter.

Q Was his father a white man or a Cherokee? A White man.

Q You think then his mother was about a half breed? A Yes, sir.

Q Has your uncle's name been admitted in the rolls since he was sent to the penitentiary? A No, sir, nobody has never made any attempt to put it on.

Q Do you know whether Cherokee strip money was given for him?

A No, sir, I know it wasn't because nobody ever made any application for him.

Q Have you any evidence of any character to show that he was a recognized citizen of the Cherokee Nation at the time he was sent to prison? A Why I have plenty of it, but I don't know which one; Judge Burrington, I don't know whether he knows him or not, I think that he did, and also Judge Cochran, W. H. Drew was to come but his family was sick.

Q Is your uncle upon any of the old rolls prior to 1885? A Yes, sir, he is upon all the old rolls, he drew money he claims somewhere about 1875.

Q Just before he went to prison? A Yes, sir, a small payment then.

William C. Smith - 2.

Q Where was your uncle sentenced to prison? A Fort Smith, Ark.

Q For what offense was he sent? A Murder.

Q Who was it he is said to have killed? A A man by the name of Allen.

Q Do you know his full name? A No, sir, I have forgotten his full name.

1 Commissioner: The applicant applies for the enrollment of an uncle, who is shown to be in the penitentiary at Detroit, and unable in consequence of his imprisonment to avail for himself. His uncle, William C. Smith, is said to be about 45 years of age, and to have lived in the Cherokee Nation all his life until he was sent to prison along in 1877 or '78. He is said to have been sentenced at Fort Smith, Arkansas, to life imprisonment, and it is not claimed that he is on any roll subsequent to his sentence. It appears further that his father and mother have both been dead thirty years or more. It is said that his father was a white man, and his mother was a half breed Cherokee. Under the conditions stated, William C. Smith will now be listed for enrollment as a Cherokee by blood on a doubtful card for the consultation of such rolls as he may be upon, and also of the Court records. He is said to be upon all the rolls prior to his imprisonment, and that were taken during his life. The final decision of the Commission will be communicated when it is rendered.

Q In what district did your uncle live? A He writes me he was enrolled from Sequoyah district.

Q I mean his home at the time he was sent to prison? A He was living in Cooweescoowee, I think he was arrested in Delaware close to Southwest City, but his early home was in Sequoyah.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 27th of May, 1901:

Commissioner

Commissioner

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CHEYENNE BY B. D. AND ADOPTION

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 24 1901


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

45
Name William C. Smith, Date May 24 1909
Detroit, Mich. U.S. Prison

District _____ Year _____ Page _____ No. _____

Citizen by blood	Mother's citizenship
-------------------------	-----------------------------

Intermarried citizen.....

Married under what law _____ Date of marriage _____

License STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE TAX FORM 104 (2011) Certificate

Wife's name

District _____ Year _____ Page _____ No. _____

Citizen by blood..... Mother's citizenship.....

Intermarried citizen

Married under what law Date of marriage

License **Certificate**

Names of Children:

[illegible]

Addressed to Felix G. Gower, Thirza, St
Steno Bruce C Jones

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20240
MAR 28 1962

DEPARTMENT OF THE ARMY
 OFFICE OF THE CHIEF OF STAFF
 WASHINGTON, D. C.
 MAR 28 1940
 FILE 11-1
 DEPARTMENT OF THE ARMY
 OFFICE OF THE CHIEF OF STAFF
 WASHINGTON, D. C.
 MAR 28 1940
 FILE 11-1

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the People of the South (CLPS) in the United States. This is a serious omission, as the Commission is required to report on the activities of all groups and individuals who are active in the United States and who are engaged in activities which are aimed at the overthrow of the Government of the United States.

Supl.-C.D.#1211.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIAM C. SMITH as a citizen of the Cherokee Nation:

Felix G. Cowan was notified by registered letter March 1, 1902, that the application of William C. Smith for whom he had heretofore applied for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902. The applicant this day, to-wit: the 21st day of March, 1902, appeared by his son, James J. Smith.

JAMES JARRET SMITH, being duly sworn, testified as follows on part of the applicant:
COMMISSION:

- Q What is your name? A James Jarret Smith.
Q How old are you? A I am 27 years old, born in '75.
Q What is your post office address? A Kennison, I. T.
Q You are a son of William C. Smith, who is an applicant for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q Your father is confined in the Penitentiary at Detroit, Michigan? A Yes, sir.
Q When was he sentenced to the Penitentiary? A In '80.
Q Was it in 1880 or prior to 1880? A Of course I was so small I don't know which; I saw it in a book that was made of the criminal court and the book says '80 that he was sentenced in 1880.
Q Well, now, prior to being sentenced to the penitentiary had he always lived in the Cherokee Nation? A Yes, sir.
Q Had he always made it his home? A Yes, sir.
Q You of course don't know anything about-? A So far as I know, what the people told me.
Q The information you have he was always recognized as a citizen in the Cherokee Nation prior to his confinement in the penitentiary? A Yes, sir.
Q Is he living now? A Yes, sir.
Q When did you hear from him? A I heard from him about two months ago; Felix Cowan got a letter from him about two weeks ago.
Q Is there any other statement you desire to make relative to the application of your father? A That is all I know of.
Q In behalf of your father do you submit the case to the Commission for final decision? A Yes, sir.

Commission: James J. Smith in behalf of his father and the representative of the Cherokee Nation present submit the case. The case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

D 12 11

IN RE
THE DEATH OF

William C. Smith

a citizen of the

Cherokee

Nation.

Approved

May 5 1905

Commissioner.

LM

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

May 5 1905

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of William C. Smith
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Kennison, Ind. Ter., and died on the 13th day of
December, 1903
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT. }

I, James J. Smith, on oath state that I am 30
 years of age and a citizen, by Blood, of the Cherokee Nation;
 that my postoffice address is Kennison, Ind. Ter.; that I am
(Here insert name of postoffice.)
a son of William C. Smith,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Blood, of the Cherokee Nation;
 and that said William C. Smith died on the 13th day of
December, 1903.
(Here insert name of deceased.)

WITNESSES TO MARK :

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 5 day of April, 1904.

Simon R. Heflinger

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
 DISTRICT. }

I, _____, on oath state that I am _____
 years of age, and a citizen by _____, of the _____ Nation;
 that my postoffice address is _____, Ind. Ter.;
(Here insert name of postoffice.)
 that I was personally acquainted with _____
(Here insert name of deceased.)
 who was a citizen, by _____, of the _____ Nation;
 and that said _____ died on the _____ day of _____,
 19____.
(Here insert name of deceased.)

WITNESSES TO MARK :

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public.

Cherokee B 1211

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of William C. Smith as a citizen by blood of the Cherokee Nation.

--:--

O R D E R .

The records of this office show that the name of James J. Smith, son of the applicant herein, William C. Smith, is not identified upon the 1860 authenticated roll of citizens of the Cherokee Nation, or upon any other roll of said Nation in possession of this office. The records do show, however, that said James J. Smith was admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes acting under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. 321), and that the name of James J. Smith is included in a schedule of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior opposite No. 16413.

It is ordered that this statement be filed with and made a part of the record in the matter of the application for the enrollment of William C. Smith as a citizen by blood of the Cherokee Nation.


Commissioner

Dated at Muskogee, Indian Territory,

this

Oct 22 1906

C7B

Cherokee D 1211

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
William C. Smith as a citizen by blood of the Cherokee Nation.

--:--

D E C I S I O N .


THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, on May 24, 1901, Felix G. Cowan, appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of William C. Smith as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 21, 1902.

A careful examination of the rolls of the Cherokee Nation in the possession of this office fails to show that the said William C. Smith was ever enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or that he was ever admitted to Cherokee citizenship by the Cherokee National Council, or by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in the Indian Territory, under the provisions of the Act of Congress approved June 10, 1900 (29 Stat. 321).

An Act of Congress approved May 31, 1900 (21 Stat. 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the secretary of the Interior."

I am, therefore, of the opinion that, under the provisions of the Act of Congress above noted, I am without authority to receive, consider, or make any record of the application for the enrollment of William O. Smith as a citizen by blood of the Cherokee Nation, and that I should refuse to receive or consider the same, and it is so ordered.


Commissioner

Dated at Muskogee, Indian Territory,
this FEB 21 1907

①

DPH

6 1 1 1 1 1
MAR 8 1902

[Handwritten signature]

PAID 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Enclosure D-1218

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 1, 1902.

Mr. Felix G. Cowen,

Wata, Indian Territory.

Sir:

You are hereby notified that the application of William G. Smith

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 21, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, as you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Register.

Commissioner in Charge.

COPY.

Cherokee D 1211.

Muskogee, Indian Territory, May 6, 1905.

J. J. Smith,

Kinnison, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 25, 1905, relative to the enrollment of your father, William C. Smith, as a citizen of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) *T. B. Needles.*
Commissioner in Charge.

COPY.

Cherokee D-1211.

Muskogee, Indian Territory, May 18, 1905.

J. George Wright,

U. S. Indian Inspector,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 6, 1905, asking to be advised whether or not William C. Smith is a regularly enrolled citizen of the Cherokee Nation.

In reply you are advised that an examination of the records of the Commission shows that application has been made for the enrollment of one William C. Smith as a citizen by blood of the Cherokee Nation, and that said application is still pending before the Commission.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

46 D. 12/11

(Copy).

W. C. Rogers, Principal Chief,
D. M. Faulkner, Assistant Chief,
L. F. Parker, Jr., National Attorney,
J. M. Coval, Interpreter,

A. B. Cunningham,
Executive Secretary.
O. J. Harris,
Assistant Secretary,
W. H. Walker,
Assistant Secretary.

EXECUTIVE DEPARTMENT

CHEROKEE NATION.

Tahlequah, Indian Territory, August 9, 1908.

Honorable Tamm Dixey,
Commissioner to the Five Tribes,
Muskogee, Indian Territory.

Sir:

Replying to your communication of July 26, requesting advice as to whether and record can be found of the admission to citizenship of William G. Smith or any record showing that he was a recognized Citizen of the Cherokee Nation at the time of his incarceration in the U. S. Penitentiary at Detroit, Michigan: You are respectfully advised that there is no record in this office giving any information as to his citizenship.

I have ascertained, however, that Judge Ben King, of Tahlequah, knew Smith and his family and he says they were recognized citizens of the Cherokee Nation.

Respectfully,

(Signed) A. B. Cunningham,
Secretary.

Cherokee D-1211.

(C O P Y)

Land
95722-1906

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 5, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward letter of Charles H. Merillat, of this City, of November 28, who, as attorney for William C. Smith, an applicant for enrollment as a citizen by blood of the Cherokee Nation, applies to have all the papers in Smith's case forwarded by the Commissioner to the Five Civilized Tribes to the Department for determination of the question of his right to enrollment.

Mr. Merillat submits a statement showing the grounds on which he asks for a review of this case and the enrollment of the applicant, saying the Commissioner to the Five Civilized Tribes has refused to consider the case on the ground that it is barred by the law, but it is his opinion this conclusion of the Commissioner is erroneous.

Mr. Merillat believes he has very good legal grounds for controverting the attitude of the Commissioner, and I therefore recommend that Mr. Bixby be directed to forward the record in the case with his views as to the law.

Very respectfully

C.F. LARRABEE

Acting Commissioner

KRH-WDW

COPY.

Cherokee Memo.

Muskogee, Indian Territory, December 9, 1905.

Fred P. Branson,

Muskogee, Indian Territory.

Dear Sir:

There is returned herewith petition received with your letter of December 5, in which you request that same be filed with and made a part of the record in the matter of the application for the enrollment as a citizen of the Cherokee Nation of William C. Smith.

You are advised that the same cannot be filed, as the record in the matter of the application for the enrollment of said person fails to show that his name is identified on any tribal roll of the Cherokee Nation, or that he has ever been admitted or recognized as a citizen of the Cherokee Nation, and it does not appear that this office has authority, under the provisions of the Act of Congress approved May 31, 1900, to receive, consider, or make any record of the application for the enrollment of said William C. Smith as a citizen of the Cherokee Nation.

You will be advised of any further action taken in this case.

Respectfully,

SIGNED:

Wm. C. Ball
Acting Commissioner.

Incl. S-43

D. C. 56712-1905
I.T.D. 16710-1905

(C O P Y)

Y.P.
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DECEMBER 16, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a petition relative to the claim of William C. Smith, for enrollment as a citizen by blood of the Cherokee Nation, and in accordance with the suggestions of the Indian Office in letter of December 5, 1905 (Land 95722), it is requested that you report in the matter with recommendation.

A copy of the Indian Office letter is inclosed.

Transmit any papers relative to the case found in your office.

Respectfully,

(Signed) THOS RYAN

Through the Commissioner
of Indian Affairs.

First Assistant Secretary

2 inclosures.

Muskogee, Indian Territory, December 20, 1905.

Wred P. Branson,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of December 11, referring to your letter of December 8, with which you transmitted a motion which you requested be filed with and made a part of the record in the matter of the application for the enrollment of William C. Smith as a citizen of the Cherokee Nation. The motion was returned with this office letter of December 9, and you were advised that the same could not be filed. You return the motion and again request that it be filed and considered, and that this office "permit evidence to be introduced which will make a record that will show conclusively that Smith was 'recognized'".

It is set up in the motion that James J. Smith, a son of William C. Smith, the applicant, was born about 1878; that at the age of five years his name was placed on the "1880 Cherokee authenticated tribal roll as a citizen by blood", and that his name appears on the approved roll of citizens by blood of the Cherokee Nation; that his mother was a non-citizen white woman, and that he derived his citizenship solely through his father. It is further stated that the applicant, William C. Smith, was arrested,

about 1879 and placed in the United States Jail at Fort Smith, Arkansas, where he remained until about 1881, "during which time he was tried for murder and sentenced to be hanged; that his sentence, through the intervention of the Cherokee National Council, was commuted to life imprisonment", and that the applicant died during the latter part of 1903.

It is requested in the petition that a copy of the record in the matter of the application for the enrollment of James J. Smith be filed with and made a part of the record in this case; that the enrollment of James J. Smith "on the 1880 Cherokee tribal roll" be considered in connection with this case, and that the petition of the Cherokee National Council for the commutation of William C. Smith's sentence will establish sufficient tribal recognition to "substantially comply with the requirements of the Act of May 31, 1900, and give the Commissioner to the Five Civilized Tribes jurisdiction to now hear and consider this case upon its merits".

In reply, there is quoted you for your information the following provision of the Act of Congress approved May 31, 1900 (31 Stat., 221):

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in

Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

You have heretofore been advised that the records of this office fail to show that William C. Smith has been a recognized citizen of the Cherokee Nation, and duly and lawfully enrolled or admitted as such. This office has heretofore endeavored to secure information from the Executive Office of the Cherokee Nation as to what action, if any, was taken by the Cherokee National Council with reference to the sentence imposed on William C. Smith by the United States Court sitting at Fort Smith, Arkansas, and it has been advised that no record of any such proceedings can be found. The Executive Office further advises that no record can be found of William C. Smith ever having been recognized by the Cherokee tribal authorities as a citizen of the Cherokee Nation. It does not appear, therefore, that, unless some tribal recognition of William C. Smith can be secured, this office has, under the provision of law above quoted, authority "to receive, consider, or make any record" of his application for enrollment as a citizen of the Cherokee Nation.

In this connection your attention is called to the fact that James J. Smith, son of William C. Smith, is not identified on the 1880 Cherokee authenticated roll, or any other tribal roll of the Cherokee Nation in the possession of this office. The record

in the matter of his application for enrollment shows that he was admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes acting under the provision of the Act of Congress approved June 10, 1896. His name is on the partial roll of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior.

The record in the matter of the application for the enrollment of James J. Smith cannot, for the reasons above stated, be filed with and made a part of the record in the matter of the application for the enrollment of his father, William C. Smith.

The motion transmitted with your letter has received due consideration and is returned herewith, and you are advised that if you have any evidence showing that William C. Smith was a recognized citizen of the Cherokee Nation, and duly and lawfully enrolled or admitted as such, and you will so advise this office, a date will be set at which time you will be given an opportunity to offer such evidence.

Respectfully,

Incl. 8-80

Commissioner.

Cherokee D-1211.

Muskogee, Indian Territory, July 23, 1906.

Fred P. Aranson,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of June 13, transmitting a petition signed by certain Cherokee citizens requesting the commutation of the death sentence to life imprisonment of William G. Smith, an applicant for enrollment as a citizen of the Cherokee Nation.

Respectfully,

LS

Commissioner.

D.C. 45065

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

KRM

Land.
88581-1905.

October 12, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee,
Indian Territory.

Sir:

The Office has received your letter of September 28, 1906, wherein you say that in accordance with an act of the National Council of the Cherokee Nation, approved November 19, 1874, a roll of the Cherokee citizens was prepared, which you understand was done in the year 1875, which roll, the act provided, was to be kept in the office of the Treasurer of the Cherokee Nation and on which a payment known among the Cherokees as the "bread payment" was to be made.

For use in connection with adjudicating pending applications for enrollment as citizens of the Cherokee Nation, you say that your office has made request of the executive Secretary and Treasurer of the Cherokee Nation that the roll if in their custody be delivered to you, but that they report that the roll is not in their possession and that they understand that the original or a copy thereof was forwarded to this Office. You therefore ask that if this roll is in the

- 2 -

Office the original or a certified copy be furnished you at the earliest practicable date.

The roll to which you refer was compiled for the purpose of enabling the Cherokees to distribute a fund of \$200,000 for bread stuffs, appropriated by Congress, but the payment was not made under the supervision of the Department by the Indian Agent at Union Agency. The \$200,000 was placed to the credit of D. W. Bushyhead, Treasurer of the Cherokee Nation, with the Assistant Treasurer of the United States at St. Louis, and was disbursed by the tribal authorities. Therefore neither the original roll nor a copy thereof was forwarded to this Office in connection with the accounts of the Indian Agent at Union Agency.

Very respectfully,

(Signed) C. F. Larabee,

Acting Commissioner.

XBH-Y.

Cherokee
D 1821

Washington, Indian Territory, February 21, 1908

Felix G. Cowan,
Vinita, Indian Territory.

Dear Sir:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 21, 1907, refusing, under the provisions of the Act of Congress of May 31, 1900 (31 Stat. 221), to receive or consider the application for the enrollment of William C. Smith as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

LM B

Commissioner

Encl. D-41

Cherokee
D 1211

Muskogee, Indian Territory, February 25, 1907

Charles H. Merrillat,
Washington, D. C.

Dear Sir:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 21, 1907, refusing, under the provisions of the Act of Congress of May 31, 1900 (31 Stat. 222), to receive or consider the application for the enrollment of William G. Smith as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

L. M. A.

Commissioner

Encl. 2-25

Muskogee, Indian Territory, February 21, 1907

The Honorable,

The Secretary of the Interior.

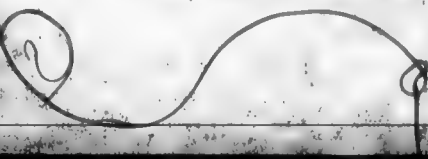
Sir:

December 8, 1905 (Lend 95722-1905), the Indian Office transmitted to the Department a letter of Charles H. Merrillat of Washington, D. C., dated November 23, 1905, "who as attorney for William C. Smith, an applicant for enrollment as a citizen by blood of the Cherokee Nation, applies to have all the papers in Smith's case forwarded by the Commissioner to the Five Civilized Tribes to the Department for determination of the question of his right to enrollment." The Indian Office states that Mr. Merrillat submits a statement showing the grounds on which he asks for a review of this case and the enrollment of the applicant, saying the Commissioner to the Five Civilized Tribes has refused to consider the case on the ground that it is barred by the law, but it is his opinion this conclusion of the Commissioner is erroneous," and concludes that as "Mr. Merrillat believes he has good legal grounds for controverting the attitude of the Commissioner, the Acting Commissioner of Indian Affairs recommends "that Mr. Bixby

be directed to forward the record in the case with his views as to the law."

In accordance with said recommendation, the Department, December 15, 1905 (I.T.D. 16710-1905), directed this office to report in the matter with recommendation, and to "transmit any papers relative to the case found in your office."

The "Statement of Facts" of Mr. Merrillat (also signed by Fred Branson), states that at the time William C. Smith was arrested on the charge of murder he was a recognized citizen of the Cherokee Nation, and that upon his conviction, through the intervention of the Cherokee National Council his sentence was commuted to life imprisonment; that the name of his son, James J. Smith, appears upon the 1880 Cherokee tribal roll and has been enrolled as a citizen by blood of the Cherokee Nation, and that it is the contention on behalf of the applicant that his name appears "upon the 1875 or 1876 Cherokee roll, Cooweescoowee district, but though several requests have been made of the Commissioner to the Five Civilized Tribes that this roll in particular be examined for the name of applicant, attorney is not advised as to whether this roll is in the possession of the Commissioner or has at any time been examined for the name of this applicant." He further states that a motion was made to the Commission to the Five Civilized Tribes to have the record in the case of James J. Smith filed with and



made a part of the record in the case of William C. Smith, and that the motion was denied; that it is contended on behalf of applicant that the enrollment of the son, James J. Smith, on the 1880 Cherokee roll, and the interference of the Cherokee National Council "in the sentence about to be entered upon William C. Smith almost conclusively show the father's recognition as a citizen of the Cherokee Nation, although the record in the father's case cannot be made to show these facts because the Commissioner refuses to allow any further hearing;" and that "it is further contended on behalf of the applicant that if he should not be found upon any roll now accessible, that it is due to his confinement, and that his conclusive recognition should be taken as an enrollment, in the meaning of the Act of May 31, 1906."

In reply there is inclosed the record in the matter of the application for the enrollment of William C. Smith as a citizen by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes dated February 21, 1907, refusing, under the Act of Congress approved May 31, 1906 (31 Stat., 221), to receive or consider said application.

The case of this applicant has been pending before the Commission to the Five Civilized Tribes and this office since the date of the application for his enrollment on May 24,

1901, for the reason that no record could be found of his having been recognized as a citizen of the Cherokee Nation, and that his name could not be identified on any tribal roll of the Cherokee Nation in the possession of the office. The local attorney in the case, Fred P. Brannon, has been fully advised as to the status of the case since he entered his appearance therein; was advised that the "1875 or 1876" Cherokee tribal roll was not in possession of this office; that steps were being taken to secure said roll, if in existence; that the name of William C. Smith could be identified on no tribal roll of the Cherokee Nation in the possession of the office, and that the name of his son, James J. Smith, was identified upon no Cherokee tribal roll in the possession of the Commissioner, but that said James J. Smith was admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes under the Act of June 10, 1896.

The delay in reporting on the Department's letter was occasioned by this office endeavoring to secure a copy of the 1875 or 1876 Cherokee roll referred to, or to ascertain whether the name of the applicant, William C. Smith, was identified on that roll. Requests have been made of the National Attorney for the Cherokee Nation, the Treasurer and Executive Secretary of the Nation, and ex-Chief Duffington, to ascertain whether

-5-

that roll, which it appears was made in accordance with an act of the Cherokee National Council, approved November 19, 1874, was in their possession, and they advised that the same was not. A request was, on September 28, 1904, made of the Commissioner of Indian Affairs to be furnished a copy of said roll, if in his possession, and on October 28, 1904, (Lund 88881-1006), the Acting Commissioner of Indian Affairs advised that neither the original of said roll nor a copy thereof was in his office.

The request of the local attorney to have the record in the case of James J. Smith filed with and made a part of the record in this case was refused by this office for the reason that nothing is contained therein tending to show any tribal recognition of the applicant, William C. Smith.

The "Statement of Facts" of Mr. Merrillat has been placed in the record in this case, as has also an alleged petition of the Cherokee National Council in regard to the commutation of the sentence of William C. Smith.

Respectfully,

Commissioner

Through the Commissioner
of Indian Affairs.

Encl. 3-43

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 1211

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 21, 1907

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 21, 1907, refusing, under the provisions of the Act of Congress of May 31, 1900 (31 Stat. 221), to receive or consider the application for the enrollment of William C. Smith as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action when this office is informed of the same .

Respectfully,

Encl. B-40

Commissioner

L M B

C O P Y .

Refer in reply
to the following:
Land 19704.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 15, 1905, (I.T.D.16710-1905), directing the Commissioner to the Five Civilized Tribes to report in the matter of the application of William C. Smith for enrollment as a citizen by blood of the Cherokee Nation, and transmit any papers relative to the same found in his office, I have the honor to transmit herewith a report from Commissioner Bixby, Dated February 21, 1907, together with the record in the matter of the application of William C. Smith for enrollment as a Cherokee by blood, and the Commissioner's decision of February 21, 1907, denying the application.

The Commissioner's letter explains the delay that is occasioned in this matter as having occurred by reason of efforts made to procure a copy of the 1875 or 1876 Cherokee roll, on which it is alleged that the applicant, William C. Smith, was identified

An examination of all the rolls of the Cherokee Nation in the possession of the Commissioner's office fails to show that William C. Smith was ever enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or that he was ever admitted to Cherokee citizenship by the Cherokee National Council, or by a duly constituted court or committee of the Cherokee Nation having jurisdiction over citizenship matters, or by the Commission to the Five Civilized Tribes or a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat.L., 321).

The Office is therefore of the opinion that the decision of the Commissioner, denying the application for the enrollment of William C. Smith as a citizen by blood of the Cherokee Nation, is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-SD.

COPY
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 11359

V.H.H. Y.P.

128

I. T. D.

March 4, 1907.

7042, 7044, 7048, 7052, 7056,
7074, 7078, 7080, 7082, 7086,
7092, 7094, 7098, 7102, 7120,
7148, 7150, 7156, 7164, 7166,
7168, 7170, 7172, 7180, 7202,
7204, 7206, 7210, 7212, 7230,
7242, 7250, 7254, 7264, 7276,
7278, 7279, 7280, 7284, 7286,
7290, 7300, 7302, 7304, 7306,
7308, 7312, 7314, 7348, 7380,
7352, 7354, 7358, 7360, 7362,
7384, 7390, 7408, 7420, 7434,
7436, 7438, 7440, 7482, 7484,
7502, 7504, 7508, 7510, 7512,
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7604, 7612, 7616, 7622, 7630,
7754, all 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.	Date of your letter of transmittal.
John Wesley Freeman (freedman),	February 18, 1907.
Harry M. Curry, et al.,	February 23, 1907.
Stephen Baldrige (freedman),	February 18, 1907.
Thomas Bell (freedman),	February 18, 1907.
Martha J. Burgess (intermarriage)	February 22, 1907.

Moses Carter (freedman)	February 1, 1907.
Rushell L. Hyde (by blood)	February 21, 1907.
John W. Goss (intermarriage),	February 21, 1907.
William Hutchins (intermarriage),	February 23, 1907.
Hattie Mackey (freedman)	February 23, 1907.
William C. Smith (by blood),	February 21, 1907.
Ray Drum (by blood),	February 27, 1907.
Louisa Johnson, et al. (by blood)	February 23, 1907.
Cynthia A. Fields, (intermarriage),	February 23, 1907.
Nathaniel Wickliff (freedman),	February 16, 1907.
Herbert K. Hyde (by blood),	February 20, 1907.
Mollie Hurst (intermarriage)	February 23, 1907.
Mollie C. Collins (intermarriage)	February 23, 1907.
Amanda Brackett (intermarriage),	February 23, 1907.
Fatima Keys (intermarriage),	February 23, 1907.
Levi P. Isbell (intermarriage),	February 20, 1907.
Aunie C. Butler (intermarriage),	February 23, 1907.
James R. Bivin (intermarriage),	February 14, 1907.
Laura Ross (freedman)	February 23, 1907.
Willie Joanna Lowe, et al. (freedman),	February 23, 1907.
William T. Teague (by blood),	February 20, 1907.
Theodore Jones (freedman)	February 25, 1907.
Viola M. Finwick (freedman),	February 25, 1907.
Wilay Pelston, et al., (freedman),	February 23, 1907.
Pansy Grinnett (freedman)	February 21, 1907.
Alice Harman (intermarriage),	February 23, 1907.
Betty McLaughlin (by blood),	February 17, 1907.
Loran Alfred Levett (by blood),	February 15, 1907.
Maudie Skaggs (by blood),	February 15, 1907.
Robert Walker (freedman),	February 14, 1907.
Edward B. Prayser (intermarriage)	February 16, 1907.
Daniel Siler, et al. (by blood),	February 14, 1907.
Olla May Withcell (by blood),	February 16, 1907.
Felix P. Witt (intermarriage),	February 19, 1907.
Freston G. Browning (intermarriage)	February 23, 1907.
Harrison Cecil Smith, et al. (by blood)	February 14, 1907.
Lilly Irene True, et al., (by blood)	February 25, 1907.
Alberta Sanders, et al., (freedman)	February 23, 1907.
Samuel Sanders (freedman)	February 21, 1907.
Peggie Bearpaw (by blood)	February 25, 1907.
Lawrence Graves (freedman),	February 25, 1907.
James Beck (freedman),	February 25, 1907.
J. Lillian Pruett et al. (by blood),	February 23, 1907.
Charles W. Erent (intermarriage),	February 23, 1907.
John Greece (by blood),	February 23, 1907.
Bessie Landrum, et al. (freedman),	February 23, 1907.
David Monroe Monroe (freedman),	February 23, 1907.
Rosa S. Whitaker (intermarriage)	February 23, 1907.

Roseburn Wright (freedman)	February 14, 1907.
Leonard King, et al. (by blood)	February 14, 1907.
Robert Vann (freedman),	February 14, 1907.
Thomas Leroy Loyd (freedman),	February 14, 1907.
Jesse O. Holland, et al. (by blood)	February 22, 1907.
Sarah A. Trent (intermarriage),	February 25, 1907.
J. D. Amey, et al. (by blood),	February 25, 1907.
Carriyer Vestel (freedman),	February 25, 1907.
Lissie E. Landley (intermarriage)	February 25, 1907.
Charles Goldie Hall, et al. (by blood),	February 25, 1907.
Myrtle Adams (freedman),	February 25, 1907.
Annie Harceehowl (as citizens), et al.	February 25, 1907.
Ruby Miller (by blood),	February 25, 1907.
Clarence Jones, et al., (freedmen),	February 25, 1907.
John H. Ellis (intermarriage),	February 20, 1907.
Leroy Shields (freedman),	February 16, 1907.
Edmond Durant, et al. (freedmen),	February 23, 1907.
Jane Crittenden (intermarriage),	February 20, 1907.
Jesse Bell (freedman),	February 23, 1907.
Elizabeth C. Lench (intermarriage),	February 23, 1907.
Elsie Wabel Burritt (by blood),	February 1, 1907.
Kliza Rolston (intermarriage),	February 7, 1907.
Tom Hayes Vann (freedman)	February 18, 1907.
Willie Lee Hanks, et al. (freedmen),	February 18, 1907.
Julia J. Wilkerson (by blood),	February 21, 1907.
Blanch Bane, et al. (by blood)	February 23, 1907.
Martha W. Worgan (intermarriage),	February 21, 1907.
Edker Williams (by blood),	February 21, 1907.
Doe Herron England (by blood),	February 21, 1907.
W. Idred Teague (by blood)	February 18, 1907.
Odell Foster (freedman)	February 23, 1907.
Willie Colbert (freedman)	February 21, 1907.
Arthur D. Jackson (by blood)	February 21, 1907.
Eliza J. Nuston (intermarriage),	February 25, 1907.
Ottorein Allen (freedman),	February 18, 1907.
Viola Martin (freedman)	February 18, 1907.
Archie Taylor (freedman),	February 18, 1907.
Joseph W. Thompson (intermarriage),	February 23, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

91 enclosures, and
162 enclosures to Ind. Of.,
with copy hereof.

W. C. F.S-4-07

Cherokee
D 1211

Muskogee, Indian Territory, March 23, 1907

Fred P. Brunson,

Attorney for William C. Smith,

Muskogee, Indian Territory.

Dear Sir:

In reply to your letter of March 5, 1907, you are advised that on February 21, 1907, the Commissioner to the Five Civilized Tribes rendered his decision refusing the application for the enrollment of William C. Smith as a citizen by blood of the Cherokee Nation, a copy of said decision was forwarded to you on that date. Said decision was, on March 4, 1907, affirmed by the secretary of the Interior.

Respectfully,

L M B

Commissioner

Cherokee V.X.B.
325

Waskagee, Indian Territory, March 30, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Waskagee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the application for the enrollment of John Wesley Freeman et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Incl. P-4-60
NDP

Cherokee
D-1211

Muskogee, Indian Territory, March 30, 1907.

James J. Smith,

Kinnison, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, rejecting the application for the enrollment of your deceased father, William C. Smith, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

JMR

Geo. D. Rodgers
Acting Commissioner.

Cherokee
D-1211

Muskogee, Indian Territory, March 20, 1907.

Charles H. Merrillat,
Attorney For William C. Smith,
Washington, D. C.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, rejecting the application for the enrollment of William C. Smith as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Encl. H-21
JMH

Muskogee, Indian Territory, April 8, 1907.

Fred P. Branson,

Muskogee, Indian Territory.

Dear Sir:

In compliance with your verbal request there is inclosed you herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 21, 1907, in the matter of the application for the enrollment of William C. Smith as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. P-4-20
MCP

Acting Commissioner.

Cher D 1212

Cher D 1212

George W. Davis, et al. ---4.

Commission with a certificate of his present marriage, but according to his testimony just stated, a part of which would place his marriage in September, 1896, and a part of which would place his marriage something like April, 1898; he married his present wife prior to the time she procured a divorce from her second husband in the State of Texas. Therefore, these two children, John W. and Mary J. Davis, will be listed for enrollment as Germans by blood on a doubtful basis, and the applicant is required to file with the Commission proper certificates of their birth. It is desired to consider their status under the facts just stated relating to the marriage between the applicant and his present wife. It is also desired that the Commission be present in the absence of a certificate of marriage satisfactory personnel testimony establishing the fact of his marriage to his present wife, the mother of these children. The final decision of the Commission in regard to the status of these children will be communicated to the applicant at his post office address.

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J. O. Benson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[Signature]

Subscribed and sworn to before me this 26th day of May, 1901.

[Signature]

Comptroller General.

D 1212

Cher. by blood:

DOUBTFUL, as to children, John W. and Mary L.:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHICKLESA, I.T., MAY 28th, 1901.

In the matter of the application of George W. Davis for the enrollment of himself and two children as citizens of the Cherokee Nation by blood; said Davis being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name? A George W. Davis.
Q How old are you? A 25 years old.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee by blood? A Yes, sir.
Q Do you want to enroll anybody besides yourself? (No response.)
Q Have you a wife you want to apply for? A No, sir.
Q Is your wife a white woman? A Yes, sir.
Q When did you and she marry? A It has been four years ago.
Q How many children have you? A Two.
Q You apply then for yourself and two children? A That is all.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A W. T. Davis.
Q Is he alive? A Yes, sir.
Q Give me the name of your mother? A Fanny Davis.
Q Is your mother alive? A No, sir.
Q How long has your mother been dead? A About 22 years I reckon.
Q Give me the names of these two children? A John W. Davis.
Q John was born in April, 1896, was he? A Yes, sir.
Q Four years old? A Yes, sir.
Q And the next child, Mary Lucinda? A Yes, sir.
Q She was born 26th day of last February, wasn't she? A Yes, sir.
Q These children are both living now are they? A Yes, sir.
Q Give me the name of the mother of these children? A Maggie.
Q That is your present wife? A Yes, sir.
Q Were you ever married except to her? A Yes, sir.
Q How many times were you married before you married this wife?
A Once.
Q Was your former wife dead when you married this wife?
A No, sir.
Q When were you and your present wife married?
A Oh, I don't just remember, it has been I guess six or seven years ago.
Q Six or seven years ago since you married your present wife, Maggie Davis? A No, sir.
Q Well, I am talking about your wife, Maggie Davis? A About five years ago.
Q Have you a certificate of marriage to this wife? A No, sir.
Q How old is your present wife? A 26 years old.
Q You state that you were married once before you married your wife Maggie Davis? A Yes, sir.
Q Only once before? A Once.
Q Give me the name of your first wife? A Gertie Farrell.
Q When did you marry her? A Oh, I don't remember now just exactly when.
Q You say she is not dead? A No, sir.
Q Were you divorced from her? A Yes, sir.
Q Have you a copy of the decree of divorce? A No, sir, I haven't.
Q Where did you get your divorce? A Delaware Court house, Cherokee Nation, Delaware District.
Q Can you get a copy of the decree? A I don't know, I expect Mr. Bell here knew something about it.
Q You got out a license did you when you married your present wife?
A No, sir.
Q Did a preacher marry you? A Yes, sir.
Q Have you a certificate of marriage at home? A No, sir.
Q Was your present wife married before she married you? A No, sir.

George W. Davis, et al.--2.

Is there some one here knows that you and your present wife have been living together as husband and wife? A I don't know, I expect Mr. Parks knows.

Q What was the name of your present wife when you married her?

A That I have now?

Q Yes. A Her name was Tucker.

Q Where did you marry her? A I married her down here on Grand river.

Q Give me the name of her father? A John Ward.

Q Give me the name of her mother A Lunsinda Ward.

Q You told me that she had never been married before she married you? A I f I told you that I don't remember it, she was married, first married in Texas.

Q Do you know the name of her first husband? A Starr Tucker.

Q Was he dead when your wife married you?

A No, sir, he was in Detroit, Michigan,

Q Had your wife ever got a divorce from him? A Yes, sir, I have it here if you want to see it. (Hands paper to COM'R.)

COM'R BRUCKNERIDGE:--The applicant presents an official copy of a decree of divorce the United States District Court, of the Eastern District of Texas, at Paris, Texas, showing that on the 7th of November, 1896, his wife, Maggie Tucker, was divorced from her former husband, Starling S. Tucker, and the Court further ordered and adjudged that she was restored to her former name of Knox, and that she be known as and carry the name of Knox. This is filed herewith.

Q Now, you stated that your wife's father and mother were named Ward? A Yes, sir.

Q How did she at the name of Knox? A I made another mistake there, she was married before that, her first husband before she married this husband Tucker was named Knox; she has been married three times.

Q How about her marriage to Knox? A He is dead.

Q When did he die? A I could not tell you anything about that at all.

Q Do you know whether he was dead before she married Tucker.

A Yes, sir.

Q That was always your understanding was it? A Yes, sir.

Q Well now you see you made several mistakes about your wife's former marriage; have you made any about your own marriage?

A No, sir, I guess not.

Q You were married only once before? A I was married only twice with this wife I have got now.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 242, #851, George W. Davis, Delaware District.

The 1896 Census Roll of citizens of the Cherokee Nation examined and name of applicant and that of his present wife found thereon as follows:

Page 463, #980, George Washington Davis, Delaware District.

Page 569, #120, Maggie E. Davis, Delaware District.

BY W. W. HASTINGS, Cherokee Representative:

Q What was the exact date of your marriage to your last wife?

A I don't exactly remember, Mr. Hastings, it has been about five years ago.

Q What month? A I think it was along in September sometime.

COM'R BRUCKNERIDGE:

Q Who married you and your present wife, what Minister performed the ceremony? A Allen.

Q Just Allen who lives at Tahlequah? A No, sir, lived down there on the river.

Q Give his full name? A I don't know his full name.

Q Is he living now? A I don't know, sir, I haven't seen him since the time.

Q Didn't he give you a certificate of marriage? A No, sir, he did not.

Q Who was present at your marriage? A Wasn't anybody only just us three.

Q Who can you name who met you just after your marriage and who knows that you and your wife were living together as husband and wife at that time? A I didn't meet anybody until I got home.

Q You had neighbors, members of your family? A I didn't meet anybody, sir, it was pretty near night and I went on home.

Q Who was living at your home? A Her father and mother they were living on my place at that time.

Q Where are they living now? A They are living down here on Grand River.

Q Did you continue to live over there at their house? A I expect I lived there about two months, and moved on another place.

Q You had a number of neighbors around there that knew that you and she began living together as husband and wife? A Yes, sir.

Q Can you name some other besides her father and mother? A I can name some others yes.

Q Well name some of them, some responsible people you know around there? A Mrs. Haff.

Q What is her full name? A I don't know her full name.

BY W. W. HASTINGS: Ben Haff's wife? A Ben Haff's mother.

BY COM'R BRONKINRIDGE: Some other? A Ben Haff's brother, William Warner, Benjamin Cheuts an.

Q Do you know whether your wife had got that divorce in Texas before you married her? A I think she had, as well as I can remember.

Q Now, your oldest child, you state in this certificate your child, John W. Davis, was born on the 11th of April, 1897? A Yes, sir.

Q How long had you been married before that child was born? A Well I guess a year before that, I reckon.

Q That would place your marriage a good long time before that divorce was pronounced? (No response.)

COM'R BRONKINRIDGE: The applicant applies for the enrollment of himself and two children. The applicant is identified on the rolls of 1890 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood.

He makes no application for his wife, the mother of the two children for whom he applies, as she is a white woman, and he married her according to his testimony too late under the Cherokees law of December 16th, 1895, to entitle her to enrollment at this time as an intermarried Cherokee.

The applicant states that he was married once prior to his present marriage and that he was divorced from his former wife, before he married his present wife. He is not able to supply the Commission at this time with an official copy of the decree of that divorce. This he is required to do. He further states that he was married to his present wife, the mother of his children for whom he applies, some five years ago, but on the application for the enrollment of his older child, John W., he states and confirms the testimony orally that this child was born on September April 11th, 1897, and he further affirms that he was married to the mother of this child something like a year prior to the birth of this child.

Now, it appears that the applicant's wife and the mother of these children was twice married prior to her marriage to the applicant. It appears that her first husband was dead at the time of her marriage to her second husband and of course prior to her marriage to the applicant. It appears in the official copy of the decree of divorce filed herewith that she procured a divorce from her second husband on December 6th, 1896. The applicant is not able to supply the

George W. Davis, et al.--4.

Commission with a certificate of his present marriage, but according to his testimony just stated, a part of which would place his marriage in September, 1896, and a part of which would place his marriage something like April, 1898; he married his present wife prior to the time she procured a divorce from her second husband in the State of Texas. Therefore, these two children, John W. and Mary L. Davis, will be listed for enrollment as Cherokee by blood on a doubtful card, and the applicant is required to file with the Commission proper certification of their birth. It is desired to consider their status under the facts just stated relating to the marriage between the applicant and their mother, and it is also desired that the applicant present in the absence of a certificate of marriage satisfactory personal testimony establishing the fact of his marriage to his present wife, the mother of these children. The final decision of the Commission in regard to the status of these children will be communicated to the applicant at his post office address.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 20th day of May, 1901.

[Signature]

Commissioner.

22 *Ollie Davis*

*vs. George Davis, Divorced by default and plaintiff restored
to maiden name.*

Case No. 22 Ollie T. Davis

Vs

Geo. Davis.

Divorce granted by default

At

Executive Office Cherokee Nation,

Tahlequah I.T.

I, B.V. Alberty, assistant Executive sec-
retary of the Cherokee Nation do hereby certify that the above is a

true copy of a part of the proceedings shown to have been had in
in the Circuit Court of Delaware District Cherokee Nation, and all
that is shown ~~in~~ in said proceeding in regard to said case, for the
term in said Court convened on the 22 day of April 1902; that said
record has been filed in this Office by law and is in my custody.

Given under my hand and the seal of the Cherokee Nation, this the
22 day of January 1902.

B. V. Alberty
Assistant Executive Secretary

Cherokee Nation.

MAJOR GEORGE W. DAVIS

DEPT. OF JUSTICE

AT

THE U.S. DEPT. OF JUSTICE

Delaware District {
Cherokee Nation

This is to certify that I R.R. Mulkey did
solemnize the bonds of matrimony between George Davis and Oseola Ann
Keener according to law. My credentials is recorded in Muscogee I.T.

Elder R.R. Mulkey.

Recorded this the 10th day of Jan 1898.

J.B. Hastings, Clerk,

Del Dist C.M.

Executive Office Cherokee Nation,

Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary
of the Cherokee Nation do hereby certify that the foregoing is
a true copy taken from the record of marriages of Delaware District
Cherokee Nation now filed in this Office by law and in my custody.
Given under my hand and the seal of the Cherokee Nation, this the
23, day of January 1903.

B. W. Alberty
Assistant Executive Secretary,

Cherokee Nation.

Supl.-C.D.#1812.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN W. DAVIS,
ET AL., as citizens of the Cherokee Nation;

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that he might on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John W. and Mary L. Davis as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on May 26, 1901 George W. Davis appeared before the Commission at Chelsea, Indian Territory and made personal application for the enrollment, among others, of his two minor children, John W. and Mary L. Davis, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 21, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said John W. Davis and Mary L. Davis are the children of the said George W. Davis, who is a Cherokee by blood, and is identified on the 1880 authenticated tribal roll of the Cherokee Nation. The applicants are too young to be upon any tribal roll of the Cherokee Nation, but they are identified by birth affidavits on file with this Commission.

Maggie Davis, the wife of George W. Davis, to whom he was married on September 16, 1896, has been married three times and the children, John W. and Mary L. Davis, were born to her after her marriage to George W. Davis, which was her last marriage. Her first husband was dead when she married the second, but she was not divorced from her second husband at the date of her marriage to George W. Davis, and her second husband was living at that date.

Section 692 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this nation, without any judgment of divorce or other legal proceeding; provided, that the issue of such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man, having by a woman one or more children, shall afterwards intermarry with such woman such child or children, if recognised by him, or proven to be his, shall thereby be legitimate."

The evidence further shows that the said George W. Davis, the father of the applicants, has been a resident of the Cherokee Nation all his life, and that the applicants have resided with their father in said Nation since their birth.

It is, therefore, the opinion of this Commission that John W. Davis and Mary L. Davis should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (32 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D. 1812

Muskogee, I. T.

Vinita, Ind. Ter., Jan. 9, 1902.

ATTORNEYS:

W. W. HASTINGS.....Tahlequah, I. T.

J. L. BAUGH.....Cherokee, I. T.

STENOGRAPHER:

J. C. STARR.....Vinita, I. T.

MARSHALS:

JOHN PARKS.....Vinita, I. T.

W. B. WYLY.....Tahlequah, I. T.

Mr. B. W. Alberty,

Tahlequah, I. T.

Dear Sir:

Please examine the records of the Circuit Court of Delaware six District and send us a certified copy of the Decree of Divorce between George W. Davis and his wife Emma Gertie whose maiden name was Gertie Farrell; this proceeding was had some 6 or 7 years ago. Also examine the marriage records of Delaware District and see if you can find any record of the marriage of George W. Davis to his wife Fannie Davis which took place in 1896, if so send us a certified copy of any record you have.

Yours truly,

J. C. Starr

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1212.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of John W. Davis and Mary L. Davis as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision, granting the application of the above named persons. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 7.

C. D. 1212.

Statement by J. C. Starr.

The enrollment of John W. Davis and Mary L. Davis depends upon the legal marriage between Maggie Davis and Geo. W. Davis. Maggie Davis has been married twice before she married Geo. W. Davis. Her first husband was dead before she married her second husband. She separated from her second husband and procured a divorce from him in the state of Texas. This divorce was granted December 6th, 1898, and is on file in this case. The marriage certificate hereto attached shows that it was recorded in the office of J. R. Hastings, Clerk of Delaware District, on the 10th day of January, 1900. This certificate shows the marriage of Geo. W. Davis and Osceola Kerner. If Osceola Kerner is the Maggie Davis, the mother of these children, she was married to Geo. W. Davis nearly a year before she obtained her divorce from her husband in Texas. We should show that Osceola Davis is the Maggie Davis, the mother of these children, and file this certificate and rest.

John W. Davis et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

- A Original testimony May 28 1906
- B memo of application June 28 1906
- C Birth cert of John W. Davis
- D Birth cert of Mary L. Davis
- E marriage cert (copy)
- F copy of decree of divorce

G Notice of final consideration, 3/20/07

See Cherokee packet no 752
Dec 1906

Cher D 1213

Cher D 1213

Cherokees by intermarriage.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, T. T., June 6, 1901.

In the matter of the application of N. J. Warren for the enrollment of him self and his wife as Cherokee citizens by intermarriage; being sworn and examined by Commissioner Hurdless, he testified as follows:

- Q What is your name? A N. J. Warren.
Q What is your age? A 57.
Q What is your post-office address? A Catoona.
Q What district do you live in? A Coowasawnee.
Q You apply to be enrolled as a Cherokee by blood? A Adopted.
Q Cherokee by adoption? A Yes sir.
Q What is your wife's name? A Minnie Nell Warren now, she was a Bell. This is my second wife; I married mine she died; that's where my right to adoption comes.
Q What is this wife's name? A Willie G. J. Warren.
Q Is she living? How old is she? A 32 or 3 last November.
Q Do you apply for your wife as a Cherokee by blood? A By adoption I guess.
Q You both apply by adoption? A That would be the proper way I suppose.
Q Have you been recognized as Cherokee by the Cherokee Nation?
A Yes sir.
Q Your wife also? A Yes sir.
Q Are you a white man? A Yes sir.
Q You apply by virtue of your former marriage? A Yes sir.
Q What was your former wife's name? A Minnie Bell.
Q Is she a Cherokee by blood? A Yes sir, she went by the name of Minnie.
Q Was Minnie her name? A Yes sir.
Q Is she living? A No sir, she is dead.
Q Is her name on the roll of 1890? A Yes sir.
Q Since her death you have married your present wife? A Yes sir.
Q Will she apply to be enrolled as a Cherokee by adoption, by what right does she claim? A By Richard Colston, her husband.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he living? A No sir, he is dead.
Q Did your wife live in Coowasawnee District? A Yes sir, she died at Vinita.
MR. HASTINGS, Cherokee Rep'y:
Q What was her father's name? A Colonel Jim Bell.
Q Her mother? A Her mother, I don't know, she died in 1861 I think; Hoolie Bell is her cousin.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant's former wife identified on page 76 #424 Minnie Belle, Coowasawnee District, native Cherokee.

1890 roll, page 240 #222 Richard Colston, Delaware District, native Cherokee.

MR. HASTINGS:

- Q Did you ever apply to the Dawes Commission in 1894 for enrollment? A No sir, I sent my marriage record there. The Dawes Commission has my marriage record at the office in Muskogee.
Q You didn't apply in 1894? A No sir, I got Lacey to make out the marriage two marriage records and I sent one to the Chief and the other to the Dawes Commission.

BY COM'R HURDLESS:

- Q What proof of your marriage have you got now to your wife, Minnie? A That record.

N. J. Warren et al R

Q You know it is filed with the Deeds Commission? I had it made out here at the Clerk's office at Claremore. I thought while I was here I had better make record of it here.

Q Were you married according to the laws of the Cherokee Nation? A Yes sir, got my license of Jake Lips, Clerk, married May 11th, 1881.

Q Did you live with your wife Minnie until her death? A Yes sir, she died in Vinita.

Q Since that you have married your wife here, Willie C. J. Colston?

A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined and applicants not found;

1896 census roll of citizens of the Cherokee Nation examined for applicant's former wife, and not found.

BY MR. RASTINGS:

Q Were you ever married before you married Minnie Bell? A Yes sir.

Q Where? A Married in Tennessee.

Q Was that your first marriage? A No, my first marriage I married Nancy Pierce, she died here in Vinita, then I married Minnie Bell.

Q Minnie Bell was your second marriage? A Yes sir.

Q Was your first wife dead when you married her? A Yes sir.

Q Was your second wife dead when you married this woman? A Yes sir.

Q When did you marry this woman? A It will be 9 years this fall.

WILLIE C. J. WARREN, being sworn by Commissioner Gooden, testified as follows:

BY MR. RASTINGS:

Q What is your name? A Willie C. J. Warren.

Q You say you once married Richard Colston? A Yes sir.

Q Were you ever married before you married Richard Colston? A Yes sir.

Q What was your first husband's name? A Ben.

Q Did you live with him until his death? A Yes sir.

Q Did he die before you married Colston? A Yes sir.

Q Is this your third husband? A Yes sir.

Q Colston was dead before you married this man? A Yes sir.

Q Where have you been living since you married this man? A Claremore.

Applicant, N. J. Warren, recalled and further examine d:

BY CHIEF JUSTICE:

Q How long have you lived in the Cherokee Nation? A Ever since '74.

Q Your wife lived here ever since that time? A [He replies]

Yes; Mrs. WILLIE C. J. WARREN I have been living here ever since

1881.

Q By what law were you married to Willie C. J. Colston? A United States, and before Justice Jackson at Claremore.

Q Have you got any certificate of your marriage? A No sir.

Q Is he living? A No, he is dead.

Q Have you got any proof of your marriage? A We can get proof at Claremore.

Q How have you got your name? A No sir.

Gov'r Gooden: Will J. Warren applies for the enrollment of himself and wife Willie C. Warren as intermarried Cherokee citizens. The applicant swears that he was formerly married to one Minnie Bell, a Cherokee citizen by blood, and her name is found upon the authenticated roll of 1880 according to page and number of the roll as indicated in the testimony.

Commissioner of the Cherokee Nation
JUL 19 1901
M. J. Warren

He avers that his wife, Willie C. J. Warren was formerly married to a Cherokee citizen by blood, named Richard Colston, and the name of Richard Colston is found upon the authenticated roll of 1890 according to page and number of the roll as indicated in the testimony; applicant presents satisfactory proof of marriage according to the laws of the Cherokee Nation with his former wife Minnie Ball, through whom he claims citizenship by intermarriage; Willie C. J. has presented satisfactory proof of her marriage to her husband, Richard Colston, said proof being filed in her application for enrollment of her child, Lewis H. B. Colston, who was enrolled on Cherokee card number 7536; they are duly identified, but no proof is made as to the marriage of the said applicant to his present wife, Willie C. J. They both applied to be admitted as Cherokee citizens by intermarriage; making both parties aver that they are white persons, and not Indian citizens.

MR. HASTING: The Representatives of the Cherokee Nation signed in protest against their enrollment, because they contend that they have married out, under section 666 of the compiled laws of the Cherokee Nation.

Consequently, Eli J. Warren and his wife, Minnie C. J. will be listed for enrollment as Cherokee citizens upon a doubtful card, proof of present marriage to be supplied.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green
Subscribed and sworn to before me this July 17, 1901.



Commissioner.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10-10-2001 BY 60322 UCBAW

[illegible]

The above information was obtained from the files of the
Federal Bureau of Investigation, Department of Justice.
The information was obtained from the files of the
Federal Bureau of Investigation, Department of Justice.

Supl.-C.D.#1213.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of ELIJAH J. WARREN, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day appears by his attorney, N. A. Gibson, Muskogee, Indian Territory.

The Attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

U

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of E.J. Warren, for the enrollment of himself and his wife as citizens of the Cherokee Nation.

BRIEF OF APPLICANTS..

This cause presents a novel and peculiar state of facts. The proof shows that both of the applicants were formerly married to citizens of the Cherokee Nation and after the death of such citizens, that they intermarried in the Cherokee Nation and have ever since lived together as man and wife within the limits of said nation. It is now contended by the attorneys of the Cherokee Nation that by reason of that intermarriage both of these parties have forfeited all of their rights of citizenship. Under the provisions of section 666 of the laws of the Cherokee Nation, edition of 1892, which provides as follows:

"Should any man or woman a citizen of the United States or of any foreign country become a citizen of the Cherokee Nation by intermarriage and be left a widow or widower by the deceased of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship unless he or she shall marry a white man or woman or person as the case may be, having no rights of Cherokee citizenship by blood: in that case all of his or her rights acquired under the provisions of this act shall cease".

Section 5 of the amendment to Article 3 of the constitution of the Cherokee Nation, which amendments were adopted on Nov. 26, 1860, provides:

"That all whites, legal members of the Nation by adoption and their descendants, who reside within the limits of the Cherokee Nation shall be taken and deemed to be citizens of the Cherokee Nation."

Under the laws and customs of the Cherokee Nation, adopted citizens are entitled to all the rights of a native born citizen except that they could not hold the office of chief or treasurer of said nation, said office being expressly reserved for native born citizens by blood of the Cherokee Nation. Consequently an intermarried white man or woman under the laws of the Cherokee Nation having all of the rights of Cherokee citizens by blood except that they cannot hold these two specified offices. We do not believe that section 666 above stated was ever intended to cut out any person except such intermarried adopted citizens as might marry persons not citizens of the Cherokee Nation. Neither of

the claimants is a white man or woman having no rights of Cherokee citizenship by blood, but as a matter of fact they are a white man and woman having all the rights of Cherokee citizenship by blood except the ability to hold office of Chief or Treasurer; consequently they do not come within the purview of this section of the Cherokee law, and their intermarriage can work no forfeiture of their rights of citizenship.

Article 11 of the laws of the Cherokee Nation of 1892 provides for limitation upon the bringing of actions in the courts of the Cherokee Nation. In civil matters the extreme limit for bringing any action is five years, and criminal actions two years. We understand that it is the position of the attorneys for the Cherokee Nation that this Commission must sit in this case as if it were a court of the Cherokee Nation. And while we do not agree with the learned counsel for that nation that this Commission has any right to declare any forfeiture, still admitting for the sake of argument that it ~~has~~ has such as a Cherokee Court and can declare a forfeiture of citizenship just as a Cherokee court would, we respectfully submit that there having been no proceeding instituted to forfeit the ~~int~~ rights of citizenship of these applicants within 5 years after their marriage to each other, that now any such proceeding is absolutely ~~and~~ barred by limitation, and no further steps can be taken in this matter.

We respectfully submit that these applicants must be enrolled as adopted citizens of the Cherokee Nation and that their marriage to each other has not in any way marred or forfeited their rights to citizenship acquired by their former marriage to citizens by blood of the Cherokee Nation.

respectfully submitted this 28 day of March, 1902

28 day of March, 1902
W. G. Green
Attorney for applicants.

Service of a copy of the foregoing brief accepted this _____ day of
March, 1902.

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Washington, D. C. June 11th 1902.

In the matter of the application of E. J. Warren for the enrollment of him self and his wife as citizens of the Cherokee Nation by Intermarriage.

Cherokee D 1212.

Brief on part of the Cherokee Nation.

The testimony in this case shows that both E. J. Warren and his wife Willie G. J. Warren are white persons and that neither claim to have any Cherokee blood. Both have been previously married to Cherokee Citizens and were Cherokee citizens by intermarriage and the Cherokee nation contends that by their marriage they have forfeited their rights to citizenship in the Cherokee Nation under section 666 of the Compiled laws of the Cherokee Nation, 1892, which reads as follows:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and he left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee Citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

You will observe that after the death of the Cherokee husband or wife the surviving widow or widower retains rights to citizenship, in the Cherokee Nation by adoption unless he or she shall marry a whiteman or woman " HAVING NO RIGHTS OF CHEROKEE CITIZENSHIP BY BLOOD," in that case all of his or her rights acquired under the provisions of that act should cease. After the death of his wife E. J. Warren married a white woman having no rights of Cherokee Citizenship by blood. He clearly violated Section 666 of the Compiled laws of the Cherokee Nation above quoted and by his marriage to his present wife he forfeited his citizenship in the Cherokee Nation; his present wife violated the same section; she married a white man having no rights of CHEROKEE CITIZENSHIP BY BLOOD; she lost her rights in the Cherokee Nation. Section 666 of the Compiled laws of the Cherokee Nation was in force when these two white people first

married married into the Cherokee nation, they married knowing that this was the law and subject to its provisions and they can not now be heard to complain of it..

We contend that the Commission takes the place of and has the jurisdiction once conferred upon the Cherokee Courts to adjudicate the questions of forfeiture of citizenship. From the ~~present~~ peculiar wording of section 666 of the compiled laws of the Cherokee Nation, 1898, it will be observed that our law makers evidently sought to provide against just such a contingency and they worded that section in order that just such a marriage should not take place and in order that children born of such a union with no Cherokee blood in their veins should not be enrolled as citizens of the Cherokee Nation. The Cherokee Nation submits that under the law these applicants are not entitled to be enrolled as citizens of the Cherokee nation.

Respectfully submitted,

W. W. Hastings J. C. S.
Attorney for the Cherokee Nation.

J. C. S.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of E. J. Warren for the enrollment of himself and his wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on June 8, 1901, E. J. Warren appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of himself and his wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 21, 1902.

The evidence shows that the said E. J. Warren was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on May 8, 1881, to Minnie Bell, a citizen by blood of the Cherokee Nation. His said wife, Minnie, died, but the date of her death does not appear.

About the year 1892, and subsequent to the death of his wife, Minnie, the said E. J. Warren married Willie C. J. Colston, a white woman. It appears that the said Willie C. J. Colston, at the time of her marriage to E. J. Warren, was the widow of one Richard Colston, a citizen by blood of the Cherokee Nation, to whom she was lawfully married on March 15, 1881.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 498) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1892) provides:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and he left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application for the enrollment of E. J. Warren and Willie C. J. Warren as citizens by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman,

Commissioner,

Muskogee, Indian Territory,

this

SEP 20 1902

Shi-a-tah, I.

Feb 24 - 1902

Mr J. C. Stern.
Muskegon, I.

I do not know the folks an they
do not live any where near me

I once knew a man by the name
of Warren. We call him Good Joe, when
I have saw him for twenty years
the last I knew of him he lived at
Calverton, I. that is a long way from
me. it was by understanding then that
he had married out but do not know
this,

Yours
W. C. Rogers.

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.

C. D. 1213.

Dear Sir:

Muskogee, I. T., Feb. 20, 1902.

A man by the name of E. J. Warren, whose post-office is Catfosa, I. T., and who claims to be a citizen by intermarriage, has applied for enrollment of himself and his wife, Willie C. J. Warren, who is also a citizen by intermarriage of the Cherokee Nation, and who was the widow of Richard Colston. Will You kindly investigate this case and ascertain for is if E. J. Warren had married any other person since the death of his Cherokee wife, Minnie Bell. And also investigate and see if his present wife, Willie C. J. Warren, had married anyone else between the death of Colston and her marriage with Warren, and advise us of the citizenship of either party in case they had contracted marriage with any other person since the death of the Cherokee husband or wife, as the case may be, and the present marriage between E. J. Warren and his wife, Willie C. J. Warren.

Yours truly,



To W. C. Rogers,

Okmulgee, I. T.

OR

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1213.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation
Muskogee, Indian Territory.

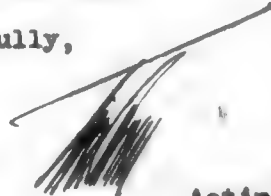
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of E. J. Warren for the enrollment of himself and his wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation.

The decision with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 3.

10

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. DRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D. 1213.

Muskogee, Indian Territory, November 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of E. J. Warren for the enrollment of himself and his wife, Willie C. J. Warren, as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 29, 1902.

Respectfully,

C. R. Dreckinridge

Commissioner in Charge.

Elizah G. W. ...

FOR ENROLLMENT AS
CHEROKEE CITIZENS

- A. Original testimony June 11, 1892
- B. Memo of application June 11, 1892
- C. Certified copy of marriage license
- D. Marriage license & cert
- E. Notice of final consideration, 3/7/93

[Large handwritten signature/initials, possibly "John" or "James"]

See L. Burke packet No 752
See 1892 case # 910

Cher D 1214

Cher D 1214

12/14

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[Illegible handwritten signature]

Wm. A. R. R.

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

Sherokee by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 13, 1891.

In the matter of the application for the enrollment of Mary Lowe, Cynthia A. Moore, Clifton Moore, and John Moore, as citizens by blood of the Cherokee Nation.

John J. Lowe, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A John J. Lowe.
- Q What is your age? A 33.
- Q What is your post office address? A Daluth, Georgia.
- Q Are you a citizen of the Cherokee Nation? A No, sir.
- Q For whom do you apply? A For my daughter, who is a minor, and three children of my sister, who are minors.
- Q Are you a citizen? A No, sir. I am applying for the daughter.
- Q You are a non citizen, I suppose? A Yes, sir.
- Q What are the names of the children now you desire to enroll?
- A My daughter is named Mary Lowe.
- Q What is her age? A She is 14 years old.
- Q The names of the other children? A Well, the Moore children are Cynthia A. Moore.
- Q How old is she? A She is 13.
- Q What is the next one? A Clifton Moore, he is 10.
- Q The next one? A John Moore is 14.
- Q Any others? A No, sir.
- Q What is the name of Mary Lowe's father? A Mary Lowe's father is John J. Lowe.
- Q Is he living? A Yes, sir, I am.
- Q Are you her father? A Yes, sir.
- Q What is her mother's name? A Her mother's name is Anna Lowe.
- Q Is she living? A No, sir, she is dead.
- Q Where do you reside? A I reside at Daluth, Georgia.
- Q Where was Mary born? A She was born at Daluth.
- Q She lived there all her life? A Yes, sir.
- Q Living there now? A Yes, sir.
- Q What claims has she to citizenship? A She is the descendant of the Cherokee.
- Q Her name on any of the rolls of the Cherokee Nation? A No, sir, she has been readmitted though, I believe it is.
- Q Have you any certificates? A Yes, sir, I have the certificates, I haven't got them here; I have the Moore children's certificates here; I believe they call it a certified copy (hands Commissioner papers). I have got another copy, but I haven't got it with me; I can forward it by mail if it is necessary; that I got a short time ago.
- Q You apply for yourself? A No, I am out.
- Q Are you the John J. Lowe mentioned in this certificate? A Yes, sir.
- By J. B. Livingston, representing Cherokee Nation: Have you married since you were married? A No, sir.
- Commissioner: The applicant presents a certificate signed by William H. May, Assistant Executive Secretary, under the seal of the Cherokee Nation, certifying, among others, that Mary Lowe, age 14 months, was admitted to Cherokee citizenship on the 14th day of June, 1887. The certificate is filed herewith.
- Q Are any other certificates as to Mary? A No, sir, I haven't got it with me, I have a certificate though for the Moore children (hands Commissioner papers.)
- Q Mary Lowe was born in the State of Georgia? A Yes, sir.
- Q Resided there ever since? A Yes, sir.
- Q You are neither a citizen of the Cherokee Nation? A No, sir.

Mary Lowe - 2.

Q She was a white person? A Yes, sir.

Q You, her father, was at one time admitted to citizenship?

A Yes, sir.

Q You never complied with their requirements? A No, sir, I was situated so I couldn't do it.

Commissioner: Applicant presents a certificate of admission to Cherokee citizenship, issued from the office of the Commissioner on citizenship, dated Tahlequah, on the 14th day of June, 1887, signed by J. F. Adair, Chairman of the Commission on citizenship, Henry Biffert, Clerk, approved and endorsed by D. W. Bushyhead, Principal Chief, issued under the great seal of the Cherokee Nation, certifying, among others, that Cynthia A. Moore, Clifton Moore, and John Moore, were on the 14th day of June, 1887, admitted to Cherokee citizenship. The age of Cynthia A. at that time was 4 years of age, Clifton 3 years of age, and John Moore, a mile, age one year.

Q Who was Cynthia A. Moore? A She was my sister.

Q She the mother of those children? A Yes, sir.

Q She living? A Yes, sir.

Q She doesn't apply; you don't apply for her? A No, sir, she is like myself, she is out.

Q She was admitted, according to this certificate, but has never complied with the requirements? A No, sir.

Q Were these children born in the Cherokee Nation? A No, sir, born in Georgia.

Q Live in the State of Georgia now? A Yes, sir.

Q Never have resided in the Cherokee Nation? A No, sir.

Q Are their names upon any of the rolls of the Cherokee Nation?

A I don't think so.

The rolls of the Cherokee Nation in the hands of the Commission examined and none of the applicants identified them.

Q Did you ever draw any Cherokee money for these children?

A No, sir.

Q Who was the mother of Mary? A Why her name was Anna.

Q She was a non citizen? A Yes, sir, a white woman.

Q And the mother of the Moore children was Sarah A. Moore, your sister? A Yes, sir.

Q Are you the father of Mary Lowe? A Yes, sir, that is right.

Q You have never availed yourself of the rights of citizenship given to you by your admission papers? A No, sir.

Commissioner: John J. Lowe applies for the enrollment of his daughter, Mary Lowe. He also applies for the enrollment of Cynthia A. Moore, Clifton Moore, and John Moore. He avers that they are children of Sarah A. Moore. He presents a certificate more particularly described in the testimony, certifying to the fact that he was, the said John J. Lowe and his daughter Mary Lowe, were admitted to the rights of Cherokee citizenship on the 14th day of June, 1887, Mary Lowe at that time being ten months of age. He also presents a certificate of admission, more particularly described in the testimony, certifying that Sarah A. Moore, Cynthia A. Moore, Clifton Moore, and John Moore, were duly admitted to citizenship on the 14th day of June, 1887, the said Cynthia A. Moore being the mother of the said Cynthia A. Moore, Clifton Moore, and John Moore. He avers that both he and his sister, Sarah A. Moore were at that time admitted to Cherokee citizenship, that they never availed themselves of the rights of Cherokee citizenship, consequently he does not apply. He applies for the enrollment of said children from the fact that they were minors. He avers that they were born and raised in the State of Georgia, and

Mary Lowe - 3.

never have been residents of the Cherokee Nation, and their names are not found upon any of the rolls of the Cherokee Nation. Consequently, the said Mary Lowe, daughter of the said John J. Lowe, Cynthia A., Elifton and John Moore, daughter of Sarah A. Moore, his sister, will be listed as Cherokee citizens by blood upon a doubtful card, awaiting further consideration of the Commission as to their rights to citizenship.

James H. Jones, being duly sworn, says that as stenographer he was connected to the Five Civilized Tribes he perfectly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereon.

Sworn to and subscribed before me this 17th day of May, 1907.

James H. Jones
Stenographer

Notary Public

Supl.-C.D./1214.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARY LOWE,
ET AL., as citizens of the Cherokee Nation,

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that she could on said date appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Lowe, and Cynthia A., Clifton and John Moore as citizens by blood of the Cherokee Nation.

DECISION.

--c00--

The record in this case shows that on June 13, 1901, John J. Lowe appeared before the Commission at Chelsoa, Indian Territory, and made personal application for the enrollment of Mary Lowe, and Cynthia A., Clifton and John Moore, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 31, 1902.

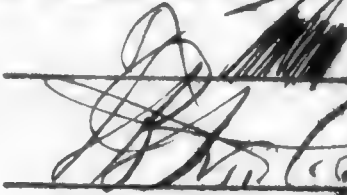
The evidence shows that the said Mary Lowe, and Cynthia A., Clifton and John Moore were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on June 14, 1887. They nor either of them are identified on any tribal roll of the Cherokee Nation in the possession of this Commission. It further appears that none of the applicants herein have ever resided in the Cherokee Nation or Indian Territory.

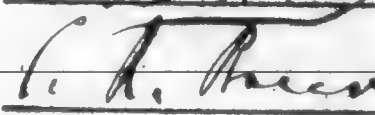
Paragraph nine, Section twenty-one of the Act of Congress, approved June 20, 1900 (36 Stat., 495), provides:

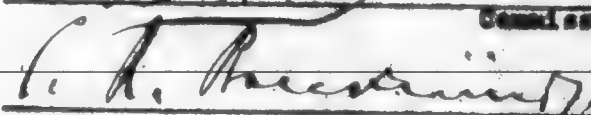
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary Lowe, Cynthia A. Moore, Clifton Moore and John Moore should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

302

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1214.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

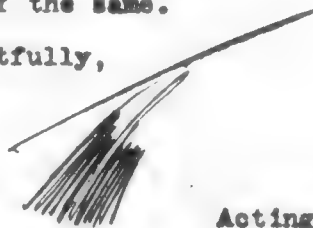
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of John J. Lowe for the enrollment of Mary Lowe and Cynthia A., Clifton and John Moore as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 11.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. DRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1214.

Muskogee, Indian Territory, November 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of John J. Lowe for the enrollment of Mary Lowe and Cynthia A., Clifton and John Moore, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 25, 1902.

Respectfully,

C. R. Dreckinridge

Commissioner in Charge.

Mary Lane et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

- ☒ Original testimony June 1902
- ☒ Memo of application June 1902
- ☒ Certificate of Admission
- ☒ Certificate of Re-admission
- ☒ Notice of final consideration, 8/10/02
- ☒ Certified copy of artf of readmission

~~Original
copy
of
artf
of
readmission~~

Cher D 1215

Cher D 1215

DECEPTFUL, as to James M. Welch:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
HOWATA, I.T., June 17th, 1901.

In the matter of the application of Sarah Beffa for the enrollment of her two children, JAMES M. WHIGHAM and EVELYN HENRY, as Cherokee citizens by blood; said Beffa being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Beffa.
Q What is your age? A 56.
Q What is your post office address? A Bartlesville.
Q What district do you live in? A Coaweescoawee.
Q Who do you apply to have enrolled now? A James M. Walsh.
Q How old is he? A He is 27.
Q What is the next one's name? A Effie Henry.
Q How old is she? A 18.
Q Is your name on the roll of 1890? A No, I don't think it is,
but here is my readmittance papers, I have been here and come back
to enroll on the 1896.

Com'r Needles:--Applicant presents a certified copy of an Act readmitting Sarah Beffa and others to citizenship, said Act approved November 24th, 1894; signed by C. J. Harris, Principal Chief; certificate as to the correctness of the copy being signed by J. A. Seales, Assistant Executive Secretary. Said Act among others provides that James Welch and Effie Henry were readmitted to Cherokee citizenship, providing that Sarah A. Beffa, the mother of said James Welch and Effie Henry, and her children, remove to the Cherokee Nation within six months after the approval of this Act, the date of approval being November 23d, 1894.

Q Mrs. Beffa, where were you living when this Act? A I was living in California.

Q Well, when did you return to the Cherokee Nation?

A I returned just when I was readmitted, I never went away after I was here.

Q I thought you said you were living in California at the time?

A I was out here and hadn't moved out.

Q You were living here at the time this Act was approved?

A I was living here myself and I wrote for my family to come out.

Q Did James Welch and Effie Henry return within the time?

A They was here and the boy, Mr. Starr told him he could go out and work and come back; he has got his place here and everything, but he went away to work and he went away to the Philippines.

Q Is he married? A No, sir.

Q What is the reason he is not here? A He is in the Philippines.

Q Soldier in the United States Army? A I don't know, he wrote and told me he was there.

Q You don't know whether he is in the United States Army or not?

A I don't know; he went from San Francisco over there; he never told me what he was doing and told me he was over in the Philippines and told me he can't come back.

Q You say he was never married? A No, sir.

BY W. W. HASTINGS, Charles Representative:

Q Was he here when this Act was passed on November 23d, 1894?
A No, he was away then, but the family came afterwards.
Q Did Jim Welch, himself, personally see me, individually?
A Yes, he came; he was here himself and has his place here.
Q He came in March, 1905? A No, he didn't come with the younger ones.
Q When did James Welch first return to the Cherokee Nation?

James M. Welch, et al.--2.

A He was born here.

Q Madam, I am trying to get you to tell me after this Act was passed, has he ever been in the Cherokee Nation? A Yes, he has been here; he has been gone about two years.

Q I am trying to get you to tell me when he came here after this Act was passed? A He came out, don't know, we have had so many ups and downs.

Q Well, do you think he came within a year? A No, he was working then and didn't come, but he came.

Q Well, as much as two years after this act was passed?

A Yes, sir.

Q You think then of your own judgment he came within two years?

A Yes, sir.

Q Where did he come to, Cooweescoowee? A Yes, Cooweescoowee; our farms is in Cooweescoowee.

Q Now, how long did Jim stay here when he came? A He stayed here a year; he is a young man and goes around to work for a living and get sick here and didn't want to stay here on account of chills and fever and went away.

Q He stayed here about a year? A Yes, sir.

Q And then he went back to California? A Yes, sir.

Q Where he had formerly been? A Yes, sir.

Q And then you next heard of him in the Philippines?

A Yes, sir.

Q About when did he leave California? A Well, he has been gone I guess over a year from there.

Q Well, now, after he came out here in 1896 according to your testimony and remained here a year, he remained here until about 1897 and then, if I am correct, he went back to California and then sometime last year he went from California to the Philippine Islands?

A Yes, sir.

Q That is about the statement you desire to make? A Yes, sir.

Q What is James' age? A He is 29.

Q Is your youngest child, Effie Henry, has she ever been to the Nation? A Oh, yes, she came out in March, after I came.

Q She came in March, 1898? A Yes, sir.

Q How long did she remain here? A She remained here until two years ago.

Q And then she remained from 1896 to 1899? A Yes, sir; and went out there to stay with her sister on account of her sister not having good health.

Q She is not married? A No, sir.

Q Have you remained here yourself continuously since 1894?

A Yes, sir.

Q You haven't been back to California yourself? A No, sir.

Q You are her mother? A Yes, sir.

BY COM'R NEEDLES:

Q Who is Ellen Henry? A She is my daughter.

Q She is married and lives in California? A Yes, sir.

Q Who is Myrtle Henry? A That is my daughter.

Q Where is she living? A She got married not long ago; she lives over in Oage this winter and I guess she will be over home.

Q When did she come from California to the Cherokee Nation?

A She came at the same time I did.

The 1896 Census Roll of citizens of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 838, 20343, James M. Welch, Cooweescoowee District.
Page 126, 22471, Effie Henry, Cooweescoowee District.

Sarah A. Boffa applies for the enrollment of James M. Welch and Effie Henry and presents a certificate of admission described in the testimony which is filed herewith. She avers that her son, James M. Welch, is not in the Philippines Island, presumed to be a soldier, consequently it is impossible for him to be present. She avers that her child, Effie, is years of age, is not in California. She avers that she said James M. Welch did not return to the Cherokee Nation until about two years after the date of the certificate of admission providing that he should come within six months. She avers that the said Effie Henry did arrive in the Cherokee Nation within the six months as described in the certificate of admission. They are duly identified upon the census roll of 1896 as indicated in the testimony. Said James M. Welch will be listed for enrollment as a citizen of the Cherokee Nation upon a doubtful card, awaiting further consideration of the Commission. Said Effie Henry will be listed for enrollment as a Cherokee citizen. Sarah A. Boffa, the mother of Effie Henry, is enrolled on straight card #4266.

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J. Q. Rescan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Q. Rescan

Subscribed and sworn to before me this 12th day of June, 1901.

[Signature]

Commissioner.

JAMES M. WHICH, the applicant, re-called.

COMMISSION:

Q Is there any further statement that you desire to make relative to your application? A There is nothing more than what I have just told you. I know of.
Q Do you submit the case then to the commission for final decision?
A Yes, sir.

Commission: The applicant and representative of the Cherokee Nation present submit the case. The same is now deemed completed and will be reported to the commission for final decision based upon the evidence now on record.

-----XXXXXXXXXXXX-----

F. J. O. Pomeroy, do hereby certify that an stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had in the above case, and that the foregoing is a true and correct transcript of my stenographic notes thereof.

DEPT OF THE INTERIOR
THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1902

ACTING CHAIRMAN

201810

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of JAMES M. WELCH as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 21st day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 21st day of March, 1902, appears in person. Mr. W. W. Hastings, Cherokee Representative, present.

JAMES M. WELCH, being duly sworn, testified as follows in his own behalf:

COMMISSION:

- Q What is your name? A James M. Welch.
- Q How old are you? A 30 years old.
- Q What is your post office address? A Bartlesville, just at present.
- Q You are the son of Sarah Beffa? A Yes, sir.
- Q She heretofore made application to the Commission for your enrollment as a citizen of the Cherokee Nation? A Yes, sir.
- Q Where were you when she made this application? A I was in the Hawaiian Islands.
- Q Were you a soldier in the army? A No, sir, I was not; I was there working.
- Q How long had you been there? A I was there I think 14 months.
- Q When did you get? A I went there, I think I left California on the 4th of October.
- Q Of what year? A 1900 I think it was.
- Q And you remained out there 14 months? A Yes, sir.
- Q Did you then come back to the Cherokee Nation?
- A Yes, sir, I come right straight from there home.
- Q Have you lived in the Cherokee Nation ever since your return?
- A Yes, sir.
- Q Did you always live in the Cherokee Nation prior to the time you went to the Hawaiian Islands? A Well, I was here part of the time; I was in British Columbia a while and I come back home and then I went back to British Columbia.
- Q How long did you live there? A The first time I was away only-- my family first come here, when our family come here I was in pretty hard circumstances and I was working for a company and I was sent there, and I had to borrow money to send them here, and as soon as I got the money I come back.
- Q Where did you come? A Here in Delaware District.
- Q How after your admission to citizenship in the Cherokee Nation by the council when did you come to the Cherokee Nation? A When we was readmitted.
- Q Yes, how long after your re-admission? A I think we was re-admitted in November.
- Q Of what year? A 1901.
- Q How long after that was it before you came? A I come back in July, 1901; I could not get away any sooner, I was in Caribou, British Columbia, I could not walk and I had to wait.

MR. HASTINGS:

Q That does not conform to your mother's statement about when you came here? A It doesn't.

Q No? A I think it does if you look; she didn't know where I was, she wrote to me afterwards and found out whether I was in the army or not.

Q Your motherin answer to a question propounded to her when she applied for you on June 17, 1902, at Nowata, in answer to this question: Well, do you think he came within a year, and her answer was: no, he was working, but he did come. And then this question was asked her: Well, as much as two years after this Act was passed, and her answer was: yes, sir. Then this question was asked her: You think of your own judgement he came within two years; and her answer was: yes, sir.

A I was admitted on the roll in '96.

Q Now, are you certain that you came back in July, 1895?

A Yes, sir; I am pretty sure. I went into Caribou, British Columbia and stayed there two months I think; well, my sisters came in June and I came in July.

Q Where did you come to? A Come to what was called Ramona, and is called now Falls.

Q Have you got anybody hat you could prove that by? A I don't know exactly.

Q Who did you work for? A I worked for myself.

Q On the farm? A Yes, sir, fenced up a farm.

Q Who were your neighbors? A Mr. Coast he was living on a place ~~was~~ of ours.

Q Is he living there now? A Not on our place.

Q Is he living in the neighborhood now? A Yes, sir.

Q What Cherokee citizens were living right around in the neighborhood

~~A Elijah Bly was right there.~~

~~A Elijah Bly was right there.~~

A Elijah Bly was right there.

Q Elijah Bly is here now isn't he? A Yes, sir, and I don't know, Sam Perry, I don't know whether he is a citizen.

Q Have you got a sister by the name of Effie for whom your mother applied in the same application? A Yes, sir.

Q Where was she married? A I don't know whether she is married or not.

Q Haven't you heard that she was married? A I don't know whether she is married or not.

Q Isn't that your family history? A Well, I suppose she was, I don't think she has got any certificate, she run away from home.

Q Well, you have been advised that she run off with a man and she has gone to California? A No, sir.

Q Well, where is she? A She is in California. When I was away from here and come back she run off with a little fellow, I don't know what his name is, and my mother made him go home and now she is out there in California.

Q Well, she was married to that man she run off with? A I don't know.

Q Well, didn't she say she was? A I don't know.

Q Well, did n't your mother say that she was married to him?

A No, sir, she told me she run off with Oscar Terry.

Q Didn't you hear at all that she married him? A No, sir.

Q Did you hear on the other hand that she never married him?

A I don't know, never heard anything, she run off with him.

Q When did she run off? A I don't know when it was.

Q Well, about when, five years ago? A I don't know, I don't think it has.

Q Well, it has been more than a year ago? A Yes, sir; I think it is between three and four years.

Q How long did you stay here when you were here that time?

A I stayed pretty near a year, about eight months.

Q And then where did you go? A To Kansas.

Q And from Kansas? A To Colorado.

Q And from Colorado? A California.

Q And from California? A Hawaiian Islands.

Q And then since you have been admitted you lived here about eight months? A I have been here more than that; I have been here twice.

Q When did you come back here the second time? A January I think, in '97.

Q Have you been here two trips? A I told you I come from British Columbia.

Q I asked you when you came here and how long you stayed, and you stayed here about eight months and after that went to Kansas and from Kansas to Colorado and from Colorado to California and from California to the Hawaiian Islands? A Yes, sir.

Q You came here as you state and stayed here about eight months the first time? A Yes, sir.

Q And then where did you go? A I told you I went from here to Kansas and from Kansas to Colorado and from Colorado to California and from California to the Islands.

Q How long did you stay down there? A I come out and stayed down there about five months and I come back and stayed in California three weeks and went right back.

Q Well, did you come to the Territory now? A No, sir, I went to British Columbia.

Q And you came from British Columbia down here in '97? A Yes, sir.

Q How long did you stay here then? A I think I come here in January, pretty sure it was January, and stayed here until I went, would not say whether it was August or September.

Q Eight or nine months? A Yes, sir.

Q And then you have been here two trips, about eight or nine months? A Yes, sir.

Q When did you come back this time? A About three weeks ago; let's see, was it three weeks or month ago, I don't know whether it was three weeks ago Wednesday or four weeks ago.

Q Where is your sister now? A She is in Calif., El Placer County, California.

SARAH BEFFA, being duly sworn, testified as follows as follows on part of the applicant:
COMMISSION:

Q What is your name? A Sarah Beffa.

Q How old are you? A I am 37.

Q What is your post office address? A Bartlesville.

Q You are the mother of the applicant in this case, James H. Welch?

A Yes, sir.

Q When you appeared before the commission at Nowata in June, 1901, you stated that you and your children were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee Nation Council and that your son, James Welch, did not come to the Cherokee Nation until two years after his admission, did you not? A Well, I told you, you cross-questioned me so much, and I told you I didn't know exactly how long it was but I thought it was about seven or eight months; you might have kept talking to me and cross-questioned me and got me to say three months.

Q You stated at that time in answer to the question propounded by the representative of the Cherokee Nation: Well, do you think he came within a year. Your answer was: No, he was working, but he did come. The next question was: Well as much as two years? And your answer was: Yes, sir. And the next question was: Then you think of your own judgment he came within two years?

X ~~That~~ sir and your answer was: Yes, sir.

Q Well, now were you mistaken in those answers? A Yes, I know I was; I know I was excited and I had been sick.

Q When did your son come to the Cherokee Nation the first time after his admission to citizenship? A He came in July.

Q Of what year? A '96.

Q In '96? A '95, that was it.

Q How long did he remain here then? A He stayed here and put in a crop and stayed until fall.

Q Well, where did he go to? A He took the chills and was sick and he went away, thought he would get well and stayed; he would go in Kansas and from Kansas to Colorado and from there to California.

Q How long after that was it until he returned to the Cherokee Nation? A I could not tell you, he has been back and forth three times.

Q Have you any idea how long it was, just think, your best judgment?

A I could not tell you.

Q You don't know how long he remained away when he went that time?

A He comes and goes as he could hold his property here.

Q How long has he been living here the last time?

A Since he came this last time?

Q Yes, Ma'am? A He has been here quit a while.

Q Well, about how long; when did he come, about what time of the year; was it in the summer or winter? A Fall or winter, I don't know.

Q Of what year? A Well, he come back this last time, this year.

Q Well, has he been here as much as a year the last time?

A No, he ain't been here a year; he came to stay if he can.

MR. HASTINGS:

Q Now, don't you know Ma'am, that he has been here only about three weeks? A Well, I know

Q Why don't you just state that then how long he has been here this last time? A Well-

Q You know he hasn't been here longer than a month?

A He came here this winter.

Q What? A He came here a while back.

Q Well, now, when you were on the stand before I examined you fairly rigidly about the marriage of Effie? A Yes, sir.

Q And you at that time absolutely denied it? A I never knew she was married.

Q You never had heard it? A She went away; I don't know whether she was married or not.

Q You had heard she had been married? A Well, I guess I heard it but then I don't know whether it was true or not.

Q Why didn't you tell the Commission fully, we tried to elicit that information from you? A I don't remember you asking me.

This question was asked you: She is not married? And you said: No, sir. Well, now, you know that she was said to have been married don't know? A Well, I heard it after I sent her away; I didn't want her to marry this fellow.

Q And she run off with him anyway? A She went away.

Q You mean to say now as her mother you don't know they were?

A She never said she had been married.

Q She denied it to you? A I never asked her.

Q You never got any information directly or indirectly about her marriage? A No, sir, I was made at her.
Q From her or anybody else? A I heard it from others.
Q And you heard it at the time? A Yes, directly after the time a while.
Q What made you send her away? A Because I didn't want her to go with this fellow.
Q She is out in California yet? A I told you you got me so excited.
Q About what month did you get here to the Cherokee Nation the first time after you were admitted? A I never have been away.
Q You never went away after you were re-admitted at all?
A I never have been out of the Territory since.
Q You knew what year you were readmitted? A Yes.
Q What year was it? A '94; you have my readmittance papers.
Q You have no idea now how long after you were readmitted until this young man came? A He came inside of a year anyway.

ELIJAH BLY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HASTINGS:

Q What is your name? A Elijah Bly.
Q What is your post office? A Ramona.
Q How long has Ramona been your post office? A About two years.
Q You are a Cherokee citizen? A Yes, sir.
Q How long have you lived in that community up there? A About 17 or 18 years.
Q Do you know this applicant, James M. Welch? A Yes, sir.
Q Do you know his mother, Sarah Beffa? A Yes, sir.
Q Do you know about when this man came to the Cherokee Nation after the family was readmitted? A I think he came in about five years ago, first trip in.
Q That is the first trip time you saw him? A Yes, sir.
Q How long did he remain there then? A He made a crop and left along in September or October I don't remember which.
Q Stayed through a spring and summer? A Yes, sir.
Q Has he been back there? A Yes, little.
Q Last three weeks? A Yes, sir.
Q Well, any besides that? A No, sir.
Q Has he got a half sister by the name of Effie? A Yes, sir.
Q Do you know whether she is married or not? A I think she is.
Q Who did she marry? A I disremember his name now.
Q Do you know where she is? A I think she is in California somewhere.
Q Do you know Oscar Terry? A Yes, sir, that is, I know of him.
Q Where did she marry him? A Yes, sir.
Q Is that the general information there thought out the community?
A Yes, sir.
Q That is the way you know it? A Yes, sir.
Q Everybody seems to know it up there? A Yes, sir.
Q About when did she marry him? A I don't remember now; between four and five years ago, I think; I won't be certain.

COMMISSION:

Q When did you say you first saw him Mr. Bly? A About five years ago, he came in there.
Q Was that the first time you ever saw him? A I saw him when he was a boy.
Q That was the first time you ever saw him after his admission to citizenship? A Yes, sir.

JAMES W. NELSON, the applicant, re-called.

COMMISSION:

- Q Is there any further statement that you desire to make relative to your application? A There is nothing more than, that is all I know of.
- Q Do you submit the case then to the commission for final decision? A Yes, sir.

Commissioner: The applicant and representative of the Cheyenne Nation present under the case. The same is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

COMM. TO THE FIVE CIVILIZED TRIBES
JUL 17 1905
RECEIVED
U. S. DEPT. OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James M. Welch as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on June 17, 1901, Sarah Beffa appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment, among others, of James M. Welch as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 21, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said James M. Welch was admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council, approved November 23, 1894, under the name of James Welch. Said act was conditioned that the applicant herein move back to the Cherokee Nation within six months after the approval of the act.

The said James M. Welch is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said James M. Welch did not remove to the Cherokee Nation within six months from the date of the act admitting him to citizenship, and that he was not a resident of the Cherokee Nation or Indian Territory on June 28, 1898.

Par. 9, Sec. 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of James M. Welch as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

this SEP 20 1902

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1215.

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

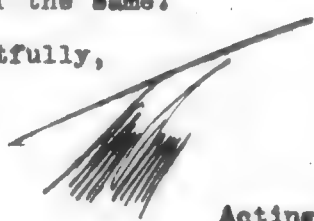
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Sarah Beffa for the enrollment of her son, James M. Welch, as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 14.

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COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. CRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1215.

Muskogee, Indian Territory, November 11, 1902.

V. W. Hastings,

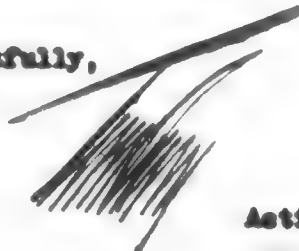
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Sarah Beffa for the enrollment of her son, James M. Welsh, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 24, 1902.

Respectfully,



Acting Chairman.

James M. Welch

FOR ENROLLMENT AS

CHEROKEE CITIZENS

- A. Original testimony June 17/02
- B. memo of application June 17/02
- C. Notice of final consideration, 3/20/03

Transferred
To
Cherokee R740

Revised

See Cherokee Freedmen packet

MS 4268

Cher D 1216

Cher D 1216

9

JUL 1 1901

Frederick Beck--2

The 1888 Treaty of the Cherokee Nation
examined and certified by the
National Council, Cherokee Nation

BY MR. W. V. HASTINGS, Cherokee Representative

Q Did you have down there at the time of the
Treaty? A I was there in '91 and there in the summer of '92.
Q Now weren't there after that time? A Not at all.
Q You must have been there in 1894 were you? A Yes, sir, I think
I left there the summer of '94.
Q When did you stay with A. I stayed out there at the old place
at the time of the Treaty.
Q Who was your grandmother? A Martha Beck.
Q Was she living out there? A No, sir, she was dead then.
Q Whom were you living with? A Aunt Maria Ward.
Q How long did she stay there? A She stayed there that fall and
went back to the Cherokee Nation.
Q And you went back with her? A No, sir, I went to Oklahoma.
Q Well in 1894 then you went to Oklahoma? A In the fall of '94.
Q And come back about 15 days ago? A Yes, sir.
Q The Cherokee strip you have reference to is the Northern part
of Oklahoma? A The Western part of; yes, sir, the Northern
part, the Cherokee Outlet.


D1119

COMMISSION: Frederick Beck applies for the enrollment of
himself as a Cherokee by blood. He is not identified upon
the census roll of 1895, but is identified upon the strip
payment roll of 1894. He avers that he was admitted to
citizenship by an Act of the National Council in 1888, and
his name appears on the list of those admitted at that time,
as Frederick Beck transmitted by Council February 1st, 1888.
He avers that he came to the Cherokee Nation in 1890 and
remained until 1894 and he went to the Territory of Oklahoma
home where he remained until about 15 days ago. For the
reason that he has not made his home in the Cherokee Nation
for the last six years, he will be listed for enrollment
as a Cherokee citizen by blood upon what is known as a
bloodroll list, and he will be required to file with the
Commissioner satisfactory proof of his admission on the citizen-
ship in 1888 by an Act of the Cherokee National Council.

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J. G. Houston, being first duly sworn, states that an attorney
report to the Court and on that he correctly recorded the testimony
and proceedings in this case, and that the foregoing is a true and
correct transcript of the same.

Subscribed and sworn to before me this 1st day of July, 1901.



Commissioner

CHEROKEE BY BLOOD:

-2-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I. T., JUNE 29th, 1901.

In the matter of the application of Frederick Beck for enrollment as a Cherokee citizen by blood; said Beck being duly sworn by Commissioner T. B. Needles, testified as follows:
BY THE COMMISSIONER:

- Q What is your name? A Frederick Beck.
Q How old are you? A 24 years old.
Q What is your post office address? A Nowata.
Q What district do you live in? A I would not tell you.
Q Are you living in Cawwawawawaw District? A I can't think of the district—Cawwawawaw District.
Q Do you want to apply for any one else besides yourself?
A No, sir.
Q Do you claim to be a Cherokee by blood? A Yes, sir.
Q What is your father's name? A Doc Beck.
Q Is your father living? A No, sir.
Q Was he a Cherokee? A No, sir.
Q What was the name of your mother? A Samantha Cherokee Beck.
Q Is your mother living? A No, sir; she is dead.
Q Your mother was a Cherokee? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have been in the Cherokee Nation the first time four years and I was back here again six months.
Q You have been here six months now? A I haven't been here this time but 16 days.
Q Where had you lived prior to that time? A In the Cherokee Strip where I was working.
Q Have you ever made your home outside of the Cherokee Nation; that is have you ever lived outal do, called any other place your home?
A No, sir.
Q Own property in the Cherokee Nation? A Yes, sir.
Q When did you first come to the Cherokee Nation? A 1890.
Q You then stayed here four years? A Yes, sir.
Q And then you went to the Cherokee Strip? A Yes, sir.
Q And how long have you stayed there? A Well, all the time you might say.
Q Up until about 15 days ago? A Yes, sir.
Q And in June, 1898, you were living in the Cherokee strip then; that is three years ago? A No, sir.
Q Where were you living? A I was living in the Cherokee Nation.
Q That is what I say you were living in the Cherokee strip at that time? A Yes, sir.
Q Did you ever draw money from the Cherokee Nation? A Yes, sir.
Q Did you draw money in 1894? A Yes, sir.
Q Is your name on the roll of 1894? A No, sir.
Q Did your father and mother ever live in the Cherokee Nation?
A No, sir.
Q Where were you born? A Cherokee Nation.
Q Were you ever admitted to citizenship in the Cherokee Nation?
A Yes, sir.
Q At what time? A 1894.
Q By an Act of the Cherokee Council? A Yes, sir.
Q Have you any evidence of your admission with you? A No, sir, not here.
Q Who drew your money for you in 1894? A Eliza Ward.
Q Were you living in Nowata District at that time? A Yes, sir.

The 1890 Enrollment and 1898 Census rolls of citizens of the Cherokee Nation examined and name of applicant not found thereon.

Frederick Beck.--2.

The 1894 Payroll of citizens by blood of the Cherokee Nation examined and Applicant's name found thereon, page 1019, Vol. 1, Fred Beck, Tahlequah District.

BY MR. W. W. HASTINGS, Cherokee Representative:

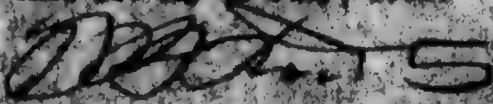
- Q Did you live down there at Tahlequah a while? A Yes, sir.
Q When? A I was there in '91 and there in the summer of '92.
Q You weren't there after that time? A Not sir.
Q You wasn't there in 1894 were you? A Yes, sir, I haven't left there the summer of '94.
Q When did you stay with me? A I stayed out there at the old place my grandmother had.
Q Who was your grandmother? A Martha Beck.
Q Was she living out there? A No, sir, she was dead then.
Q Whom were you living with? A Aunt Milna Ward.
Q How long did she stay there? A She stayed there that fall and went back to the Choctaw Nation.
Q And you went back with her? A No, sir, I went to Oklahoma.
Q Well in 1894 then you went to Oklahoma? A In the fall of '94.
Q And come back about 15 days ago? A Yes, sir.
Q The Cherokee strip you have reference to is in the Northern part of Oklahoma? A The Western part of; yes, sir, the Northern part, the Cherokee outlet.

COMMISSIONER: Frederick Beck applies for the enrollment of himself as a Cherokee by blood: He is not identified upon the census roll of 1896, but is identified upon the strip payment roll of 1894. He avers that he was admitted to citizenship by an Act of the National Council in 1888, and his name appears on the last of those admitted at that time, as Frederick Beck readmitted by Council February 1st, 1888. He avers that he came to the Cherokee Nation in 1890 and remained until 1894 and he went to the Territory of Oklahoma where he remained until about 15 days ago. For the reason that he has not made his home in the Cherokee Nation for the last six years, he will be listed for enrollment as a Cherokee citizen by blood upon what is known as a doubtful card, and he will be required to file with the Commission satisfactory proof of his admission to citizenship in 1888 by an Act of the Cherokee National Council.

---00000000---

F. O. Reason, being first duly sworn, states that as stenographer to the Commission that he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of July, 1901.



Commissioner

CPD 1216

100-101010

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535

TO : DIRECTOR, FBI (100-101010)
FROM : SAC, NEW YORK (100-101010)

SUBJECT: [Illegible]

RE: [Illegible]

DATE: [Illegible]

TIME: [Illegible]

PLACE: [Illegible]

CHARACTER: [Illegible]

CLASSIFICATION: [Illegible]

STATUS: [Illegible]

REMARKS: [Illegible]

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20250

[Illegible stamp]

RECEIVED

Supl.-C.D.#1216.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of FREDERICK BECK
as a citizen of the Cherokee Nation,

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that on said date he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---00000000---

I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Frederick Beck as a citizen by blood of the Cherokee Nation,

DECISION.

The record in this case shows that on June 29, 1901, Frederick Beck appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 21, 1902.

The evidence shows that the said Frederick Beck was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on February 1, 1898. The said Frederick Beck is identified on the 1894 Pay Roll of the Cherokee Nation.



The evidence further shows that the said Frederick Beck came to the Cherokee Nation in 1890, and remained therein about four years; that he then went to the Territory of Oklahoma; that he did not return to the Cherokee Nation or Indian Territory until about fifteen days next before the application herein, and that he was not a resident of the Cherokee Nation or Indian Territory on June 28, 1898.


Par. 9, Sec. 21, of the Act of Congress, approved June 28, 1898 (30 Stat., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship".

It is, therefore, the opinion of this Commission that the application for the enrollment of Frederick Beck as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


C. R. Anderson
Commissioner.

Muskogee, Indian Territory,

this _____

JUL 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, February 1, 1906.

IN THE MATTER of the application for the enrollment of Fredrick Beck, as a citizen by blood of the Cherokee Nation.

1010101

APPEARANCES: Applicant appears in person and by attorney, I. P. Bledsoe.
Cherokee Nation by W. W. Hastings.

ONE ALLEN being first duly sworn testifies as follows:

BY THE COMMISSION:

- Q What is your name? A Ose Allen.
Q How old are you Mr. Allen? A 26.
Q Where do you live? A Live at Fayil.
Q Indian Territory? A Yes, sir.
Q Are you acquainted with Fredrick Beck the applicant in this case? A Yes, sir.
Q How long have you known him? A Ever since childhood.
Q Is he older or younger than you? A He is older.
Q Where did you first know Fredrick Beck, where was he living?
A Well in the Choctaw Nation.
Q Whereabouts in the Choctaw Nation? A At Cade.
Q When, if you know, did Fredrick Beck come to the Cherokee Nation? A In '89.
Q Do you know of your own knowledge, as a matter of your own information, whether he was admitted to citizenship by the Cherokee Council? A Yes, sir.
Q That is your understanding? A He was admitted with me.
Q Did you come to the Cherokee Nation at the same time? A Yes.
Q Have you continuously lived in the Cherokee Nation since that time? A Yes, sir.
Q Where has Fredrick Beck lived since '89? A Well he has lived out on the strip.
Q That is what they call the Cherokee strip? A Yes, sir.
Q How part of Oklahoma? A Yes, sir.
Q Did he first move out on the Cherokee strip after he came to the Cherokee Nation? A No, sir, he stayed here, I think he left here about '93.
Q Left the Cherokee Nation about '93? A Yes, sir.
Q And went on the strip? A Yes, sir.
Q How long did he live out there? A I think he lived there-- 1901 was the first time I saw him next.
Q Then do you know where he came to? A I met him at Fryer Creek and he said he came to Nowata.
Q You met him at Fryer Creek in 1901? A Yes, sir.
Q Do you know where he was living then? A No, sir.
Q Do you know where he is living now? A Yes, sir.
Q Where? A At Nowata.
Q Do you know how long he has lived at Nowata? A No, sir, not exactly, I suppose he has been there ever since I met him.
Q Well have you been out to his place? A No, sir.
Q During the time he lived out on the strip do you know what property he owned in the Cherokee Nation, if any? A Yes, sir.
Q What? A He owned a fourth interest in a farm with me and others.
Q Did he own any personal property, any stock?

A Not that I know of. There was some stock left us, but our Aunt took it to the Choctaw Nation.
 Q Then he owned nothing but the interest in the farm? A No, sir.
 Q He was there from 1893 until 1901? A Yes, sir.
 Q Well was the farm in which he had an interest rented out?
 A Yes, sir.
 Q Do you know of his receiving rents from the place? A Yes, sir.
 Q Who paid it to him? A I did.
 Q You paid him interest on his part? A Yes, sir.
 Q Would he be back to the Cherokee Nation frequently or otherwise? A Well at Pryor Creek was the first time I met him.
 Q How did he collect his rent? A I am mistaken there, I met him in '97.
 Q While he was still living in the Cherokee strip? A Yes, sir.
 Q How did he get his rents, how did he collect them? A Well I sold him some horses and he was owing me and I took the rent for pay.

BY MR HASTINGS:

Q Where was that place? A Close to Mike Gornly.
 Q Well you sold that place didn't you? A Yes, sir.
 Q To whom did you sell it? A To Robert Bean.
 Q Well now as a matter of fact you didn't give him any rents in '92 did you? A No, I didn't give him any in '92, I bought his part from him in '92.
 Q You bought his place out in '92? A Yes, sir.
 Q Then from '92 until 1901 he didn't have any place in the Cherokee Nation? A In 1902 is when I bought him out.
 Q Well how did he ever acquire any interest in it? A Well he fell heir to it, it was originally owned by Martha Beck, my grandmother.
 Q Your and his grandmother? A Yes, sir.
 Q How many heirs were there to Martha Beck's estate? A There were six.
 Q Who were they? A Liza Ward, her daughter, myself, Fred Beck, Anna Hampton, Sarah Smith and Mary Hampton.
 Q He never acquired any property there in his own right except from this heirship? A No, sir.
 Q Did Martha Beck die about Thlequah? A Yes, sir.
 Q In '91? A No, sir, she died in '93 I believe.
 Q In '93? A Yes, sir.
 Q Where at? A On the place.
 Q That place out there? A Yes, sir.
 Q What was her husband's name? A Mack Beck, he died in '87 I believe.
 Q How much of a place did she have out there? A She had 70 acres in cultivation and quite a lot upland there.
 Q How much land did you give Fred in 1894, you say she died in '93? A Well I never got possession of the place, it was in Eliza Ward's hands up until '97 I think.
 Q None of you got anything from it prior to '97 except Eliza Ward? A No, sir, she lived on the place.
 Q What did you give Fred in '93? A Well I think it was about \$15.00.
 Q Did you pay it to him that year? A No, sir, I held a note against Fred and I--
 Q You mean then finally you settled and you allowed him for the rent? A Yes, sir.
 Q Is Fred married? A No, sir.
 Q Never been married? A No, sir, not that I know of.
 Q The Cherokee strip became a part of Oklahoma in 1907? A Yes, sir.
 Q Then that was part of Oklahoma ever since Fred has been at it? A Yes, sir.
 Q Did Fred Beck go to school with you to the orphan's asylum?

A Yes, sir.

Q Cherokee Orphan Asylum? A Yes, sir.

Q Run by the Cherokee Nation? A Yes, sir. You were teaching there.

WITNESS EXCUSED.

FREDRICK BECK being first duly sworn testified as follows:

BY THE COMMISSION:

Q What is your name? A Fredrick Beck.

Q How old are you Mr. Beck? A 27.

Q What is your postoffice address? A Bartlesville.

Q When did you come to the Cherokee Nation? A Came to the Cherokee Nation in 1899.

Q How long did you remain here? A Until 1893.

Q And then you moved out on what was then the Cherokee strip now a part of Oklahoma? A Yes, sir.

Q Was it part of Oklahoma when you moved there? A No, sir it wasn't then.

Q You went out to the opening? A Yes, sir.

Q Saw the big rush? A Yes, sir.

Q And when did you return to the Cherokee Nation? A 1896.

Q After being there three years? Yes, sir.

Q How long did you stay in the Cherokee Nation that time?

A Stayed here about ---I came back along in August and stayed until along in December.

Q And then where did you go? A Back out there to Oklahoma.

Q When did you next return to the Cherokee Nation? A 1901.

Q When did you first acquire some property in the Cherokee

Nation Mr. Beck? A My best judgement it was in the year 1892.

Q Do you mean 1892? A Yes 1892, the spring of 1892.

Q How did you get that property? A My grandmother Martha Beck bought it.

Q Was she living at that time? A Yes, sir.

Q Did she give it to you? A She willed part of it to me.

Q Well when did she die? A She died, to the best of my knowledge, in the latter part of 1892.

Q Well you came in possession of it at her death? A Yes, sir.

Q Under her will? A Yes, sir.

Q You are one of the beneficiaries of her will? A Yes, sir.

Q When did you dispose of your interest in that place? A 1901.

Q When was the first year that you received rent from this place.

A Well I never did receive any rents

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee: E-722.

In the matter of the application for the enrollment of
Frederick Beck as a citizen by blood of the Cherokee Nation.

By reason of the Commission's inability to procure the
acknowledgement of the stenographer taking and transcribing the
foregoing testimony, the following affidavit is substituted in
place thereof:

UNITED STATES OF AMERICA
WESTERN DISTRICT
INDIAN TERRITORY. SS

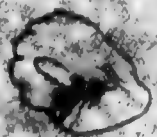
On this the 20th day of March, 1906, appeared
before me the undersigned, a Notary Public in and for the Western
Judicial District of Indian Territory, W. W. HASTINGS, of lawful
age, who being first duly sworn, states: that he is chief counsel
for the Cherokee Nation in all matters coming before the Commission
to the Five Civilized tribes pertaining to citizenship by blood
in said Nation; that in such capacity he was present during the
taking of testimony at Muskogee, Indian Territory, February 1, 1906,
in the case of Frederick Beck, Cherokee Rejected case No. 722;
and that he has read the foregoing transcript of the stenographer's
notes taken on said date in case above referred to, and that he
believes the same is a full, true and complete record of the pro-
ceedings therein at that time had.

W W Hastings

Subscribed and sworn to before me this 20th day of

March, 1906.

Myra White
Notary Public.



Q When did you dispose of your interest in that place? A 1901.
 Q When was the first year you received rents from this place? A Well I never did receive any rents. My Aunt in the Choctaw Nation she had control of it. I never did see any rents and I don't know whether the rent did or not. I owned my part in this but he taken the rents to pay what was owing to him.
 Q Well you did get rents but it was credited to you on the amount that you owed him? A I don't know.
 Q How much credit did you get on your note? A \$15.00.
 Q Is that the only credit you got on it by rents? A Why he notified me that my Aunt had possession of it and asked me what I thought about it, and I told him to make satisfactory arrangements with Aunt Eliza and whatever she was willing to give me was all right with me.
 Q Well how much credit did you get on your note by reason of that fact? A \$25.00.
 Q You got \$25.00? A Yes, sir.
 Q That was all the rent you got so far as you knew? A Yes, sir.
 Q And you sold it in 1901? A Yes, sir.
 Q When you returned from the Cherokee strip? A Yes, sir.
 Q Was that the only property you owned in the Cherokee Nation? A Well some land we fenced in.
 Q You mean you owned a place in the public domain of the Cherokee Nation outside of this? A I claimed it, I didn't own it.
 Q When did you first get possession of it? A Well sir I have been claiming it ever since I have been back three years ago.
 Q That is since you came back from the Cherokee strip? A Yes, sir.
 Q But during the time you were in Oklahoma did you own any property outside of the interest on the place you got through your grandmother? A No, sir.
 Q Did you own any personal property in the Cherokee Nation during that time? A No, sir.
 Q No town lots? A No, sir.
 Q Are you married? A No, sir.

BY MR. BLEDSOE:

Q Did you own any property in Oklahoma? A No, sir.
 Q Any land or any lots? A No, sir.
 Q All your interest was here? A Yes, sir.
 Q How much were you to get for those horses you left with this gentleman here? A He was to get \$188.00.
 Q That was the actual amount you were to receive for your interest in the place? A Yes, sir.
 Q You never voted or exercised the right of citizenship in Oklahoma? A Yes, sir.

BY MR. HASTINGS:

Q You never voted in Oklahoma? A No, sir.
 Q At no election? A No, sir, never voted but once in my life in the Cherokee Nation two years ago.
 Q Never voted for county officers? A No, sir.
 Q City officers? A No, sir.
 Q Where do you live? A Nowata, part of the time at Alva and working everywhere.
 Q You must not have been living near enough to a place to go and vote.
 A I guess we could have voted if we had wanted to, but they never asked us to.
 Q You never did know when voting time came around? A Election didn't interest us fellows much.

BY MR. BLEDSOE:

Q You were merely out there working to make a living as any honest fellow would do? A Yes, sir.

WITNESSES EXHIBITED.

10:00:00

Opal Briggs being first duly sworn states that as stenographer
to the Commission to the Five Civilized Tribes she reported the
above and foregoing proceedings had on the first day of February
1909 and that the above is a full, true and correct transcript of
her stenographic notes thereof.

Opal Briggs

Subscribed and sworn to before me this 10th day of February, 1909.

James O. Cox

Notary Public.

My commission expires Mar 17 - 1909

Office

970M

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Frederick Beck as a citizen by blood of the Cherokee Nation.

-1-

DECISION.

The record in this case shows that on June 29, 1901 Frederick Beck appeared before the Commission at Nowata, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 21, 1902. The record further shows that on July 29, 1902, this Commission rendered its decision herein denying said applicant the right to enrollment as a citizen by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department. Thereafter, on March 23, 1904 (Departmental letter I.T.D. 7162-03), said decision was rescinded by the Department and the case remanded for further testimony and readjudication. Further testimony in the matter of said case was taken February 1, 1905, at Muskogee, Indian Territory.

The evidence in this case shows that the applicant, Frederick Beck, is a Cherokee by blood; that on February 1, 1880, by the properly constituted authorities, he was admitted to citizenship in the Cherokee Nation; and that during the year 1890, he removed to said Nation, and, except as below noted, since continuously resided therein, and is identified on the Cherokee Strip payment roll of 1894. About the year 1895 said applicant removed to the Cherokee Strip and resided there for several years, but, under the rulings of the Department below referred to, it is considered that his citizenship in the Cherokee Nation was not thereby forfeited.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Robert

R. L. Jordan et al. (I.T.D. 1877-03), Thomas F. Jordan et al. (I.T.D. 1870-03), Richard Riley et al. (I.T.D. 1818-03), Sarah K. White et al. (I.T.D. 1803-03), James L. Jordan et al. (I.T.D. 1804-03) and John H. Riley et al. (I.T.D. 1766-03), Frederick Beck should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 20, 1906 (34 Stat. 225), and it is so ordered.

COMMISSION TO THE LIVE CIVILIZED TRIBES.

SIGNED, *Tamie Birby.*

Chairman

SIGNED, *T. B. Needles.*

Commissioner

SIGNED, *C. R. Brockbridge.*

Recorder

Dated at Muskogee, Indian Territory,
this APR 21, 1905.

D. 1916

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the with-
notice on _____

delivering a true copy thereof on the
day of _____ A. D. 190...

Given under my hand this _____
day of _____ A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
this named applicant, hereby accept
vice of the within notice on this the
day of _____, 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
SOUTHERN DISTRICT.

I do solemnly swear that I delivered a
copy of the within notice to _____

the _____ day of _____ A. D. 190...

Subscribed and sworn to before me

Notary Public.

NOTICE!

IN THE MATTER OF the application of Frederick Peek,
for enrollment as Cherokee citizens:

Case No. D. 1441.

To Frederick Peek, Nowata, I. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee,
Indian Territory, on March 21, 1906, at 3 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 15, 1906.

M. M. Hachey
Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1216.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 20, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Frederick Beck for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 16.

587

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1216.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

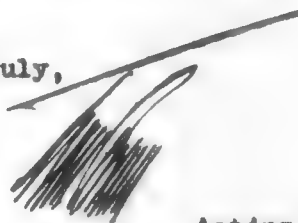
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Frederick Beck for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,



Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-723

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, April 11, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On March 28, 1904, the Secretary of the Interior rescinded his action of August 29, 1902, confirming the Commission's decision rejecting the application of Frederick Beck for enrollment as a citizen of the Cherokee Nation, Cherokee R-723 (D-1216). The case has been remanded for the taking of further testimony and the applicant has this day been notified that any additional testimony he may have to introduce can be presented at the Cherokee Land Office of this Commission on or before May 11, 1904.

You can, if you desire, also be present at that time and introduce testimony on behalf of the Cherokee Nation.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

KPK

CONDENSED
TAMM SIXBY,
THOMAS R. NEEDLES,
C. R. BRICKWORTH

WM. C. HALL,
Secretary.

862
Cherokee H-723.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 21, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, granting the application for the enrollment of Frederick Beck as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-82


Chairman.

COMMISSIONERS:
TAMM RIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

360
NOTE IN REPLY TO THE FOLLOWING:
Cherokee B-723.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 21, 1905, granting the application for the enrollment of Frederick Beck as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,


Chairman.

The first part of this
page has been transcribed
Remainder of the page
together with the rest of the
the manuscript is in the
the case of the Rock - Oct. 1-723

Fredrick Bee

FOR ENROLLMENT AS

CHEROKEE CITIZENS

- A. Original testimony given
- B. Memo of affiliation given
- C. Certified copy of an act
- D. admitting parties to citizenship
- E. Notice of final consideration, 3/4/44

Transferred to R-723

Acquisition - D

Cher D 1217

Cher D 1217

1. The first step is to identify the problem or question that needs to be answered.

As for the child, Rachel, this child may be en-
titled to enrollment; the applicant states that neither he
nor his wife have ever previously been married.

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They have lived together for a long time in a small house, but he is not able to supply the Commission with satisfactory evidence of the fact of marriage at this time; the applicant is unable to supply the Commission with his marriage license and certificate, if executed, or with an official copy of both of them; the child is too young to be examined; and the applicant is unable to supply the Commission with a copy of the child's birth certificate. The child's birth certificate, if any, will be located for an- nual, and this child, Hotel Times, will be located for an- nual on a license to work on a license card with the

and is considered a good man; this will be of great help in the future. The Agency is in the future planning to do more work in the future. The Agency is in the future planning to do more work in the future. The Agency is in the future planning to do more work in the future.

RECORDED, as to wife, Lettie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wichita, Kan., July 17, 1901.

In the matter of the application of James Jones for the enrollment of himself and child as Cherokee citizens by blood, and for his wife as an intermarried Cherokee, being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give me your name? A James Jones.
Q What your full name? A Yes sir.
Q How old are you? A 33.
Q What is your post-office address? A Ft. Cobb.
Q Where is Ft. Cobb? A It is above Ardmore, in Oklahoma.
Q Do you claim to live in the Cherokee Nation? A Yes sir.
Q Is Ft. Cobb near the line? A No.
Q Do you live near Ft. Cobb? A I live in a mile off.
Q Is that in the Cherokee Nation where you live? A It is in the Caddo.
Q In Oklahoma? A Yes sir.
Q Then you don't live in the Cherokee Nation? A No, I don't live in it.
Q Do you claim citizenship in the Cherokee Nation? A Yes sir.
Q Where do you claim your citizenship, what district? A Vinita.
Q At Vinita? A Yes, sir, I was born and raised there.
Q How long have you been out at Ft. Cobb? A I have been out there about five years.
Q Before that where did you live? A I lived at Bartlesville.
Q Where were you born? A Vinita.
Q Did you live in the Cherokee Nation all of your life until you went out to Ft. Cobb five years ago? A Yes sir, I left Vinita and went right on the line, at Bartlesville.
Q You never lived out of the Cherokee Nation except this time at Ft. Cobb? A Yes, sir, that's the only time.
Q Do you vote out there? A No sir.
Q Have you any property back in the Cherokee Nation? A No.
Q You make your home out there do you? A Yes sir I make my home out there now.
Q What are you doing out there now? A In Government service.
Q What position have you out there? A Blacksmith.
Q How long have you been blacksmith in the Government service? A About two years.
Q You were there three years before that? A Yes sir.
Q What were you doing there then? A I was farming and helping the blacksmith while he was working there, and the blacksmith they had died, and I took the position.
Q The blacksmith you were helping was he a Government blacksmith? A Yes sir.
Q Have you been working for the Government the whole time years? A No, I worked for the thirteen months at the Mission at Slick Fork.
Q Is that an Indian Mission? A Yes sir.
Q Who conducts that Mission, the Government? A Yes sir.
Q What work did you do there? A I farmed for the Mission, worked on a farm.
Q Just as a day laborer? A Yes sir.
Q That was the second year? A Yes sir.
Q How did you do the first year? A I farmed for a fellow I went out with.
Q Just hired out to a man? A Just hired out to him.
Q And then you farmed thirteen months for the Government Mission? A Yes sir.
Q And since that you have worked as a Government blacksmith all the time? A Yes sir, I helped the Government blacksmith, and I am there now.
Q You don't claim citizenship in Oklahoma? A No sir.

JAMES JONES et al.

Q Now tested there at 19? A No sir.

Q Have you come back any time in the last five years and voted in the Citizenship Election? A No sir.

in the name of your father, a Jackson Jones

It is the leader of the band.

Was he a Cherokee or a white man? A: Cherokee.

Full-blood? A few say

Give me the name of your mother? A. Lisie Jones.

Q Is she dead? A She is dead.

Q How long has your father been dead? A My father has been dead ever since I was six years old.

Q How long has your mother been dead? A Died just a year apart,
I was seven years old when she died.

Q Was your mother a Cherokee by blood? A Yes sir.

Q Full blood? A Yes, sir.

Q You claim to be a full blooded to you? A Claim to be a full-blooded,
that's the only way I can remember it. I have had nobody to tell me.
Q Did you draw State money? A No.

Q Did you draw Strip money? A No

Q Your mother's name was Lillian? A Yes sir, my grandmother was

Q Is your grandmother dead? A Yes sir.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified the person as follows:
page 271 #1362 James Jones, Delaware District, native Cherokee, five years old.

Q Are you on the census roll of 1967? A No sir.

Q. You haven't looked after your enrollment closely? A. No sir, I have been trying to get somebody to help me, but they failed somehow or another, so I got Jasper Abundine, and he has been working at it.

Q And you didn't draw the raise Strip money? A No sir.

Q How come you didn't draw the role of Strip money? A I was in the cage for awhile, and that's how I missed it. I was there two or three months, and then I came back in.

1896 census roll of citizens of the Cherokee nation examined and applicant not found therein.

1894 pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q You say you have got somebody working on the question of your being on the roll, who is that you have got working? A Mr. Browning, I have got him to find it out.

Q There does he live? A He lives where I do.

What is he, a lawyer? No, he is just a common fellow.

What is it you want him to find out? A where to come in you know.

Q What do you want him to do? A I just wanted him to find out where I had to come to work.

Gov't Brokerage. The applicant applied for the enrollment of himself as a Native American. He claimed to be a full blood; he stated that he had lived in the Chicago's neighborhood his life, except in past few years during which time he has lived in Oklahoma. He was with a for a period of a year for the first year, and since that time he has been exclusively in Oklahoma, married in there that he has never acquired citizenship in Oklahoma and considers himself still a citizen of the Cherokee Nation. He said he has not acquired the right of marriage in the Cherokee Nation, lived in France & his native land in 1904 and 1905, and in 1906 and 1907 and 1908 and 1909 and 1910 and 1911 and 1912 and 1913 and 1914 and 1915 and 1916 and 1917 and 1918 and 1919 and 1920 and 1921 and 1922 and 1923 and 1924 and 1925 and 1926 and 1927 and 1928 and 1929 and 1930 and 1931 and 1932 and 1933 and 1934 and 1935 and 1936 and 1937 and 1938 and 1939 and 1940 and 1941 and 1942 and 1943 and 1944 and 1945 and 1946 and 1947 and 1948 and 1949 and 1950 and 1951 and 1952 and 1953 and 1954 and 1955 and 1956 and 1957 and 1958 and 1959 and 1960 and 1961 and 1962 and 1963 and 1964 and 1965 and 1966 and 1967 and 1968 and 1969 and 1970 and 1971 and 1972 and 1973 and 1974 and 1975 and 1976 and 1977 and 1978 and 1979 and 1980 and 1981 and 1982 and 1983 and 1984 and 1985 and 1986 and 1987 and 1988 and 1989 and 1990 and 1991 and 1992 and 1993 and 1994 and 1995 and 1996 and 1997 and 1998 and 1999 and 2000 and 2001 and 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James Jones et al 3

for the further consideration of his case, and especially as respects the question whether he has abjured his citizenship by his continued absence from the Cherokee Nation; he will now be listed for enrollment as a Cherokee by blood on a doubtful card, and the final decision of the Commission will be made known to him at his post-office address.

SUPPLEMENTAL; to judgment;

Q If you have only been in Oklah. five years and have only been away five years how does it happen that you were not here to get your Cherokee Strip money in 1894? A I didn't know anything about it.

Q Where were you, and were you in the Cherokee Nation? A I was right over the line in the Osage country.

Q How long had you been in the Osage country? A About 3 months.

Q Was that your first absence in the Cherokee Nation? A Yes sir, I was a little bit of a kid you know.

Q You couldn't have been so very little, you are 23 now? A I must have been about 15 or 16, some where along there.

Q In what way do you consider yourself as still identified with the Cherokee Nation, do you intend to make your home here in the Cherokee Nation? A Yes sir.

Q Do you look upon the Cherokee Nation as your home? A Yes sir.

Q You don't claim your home anywhere else? A No sir.

Q Why haven't you come back to the Cherokee Nation to exercise the right of voting and shown yourself to be a citizen of the Cherokee Nation? A I don't know.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's name and identified on page 271 41861 Levie Jones, Delaware District, Native Cherokee, 20 years old.

Q Now this man that you say was looking up the matter of enrollment for you, what did he do to help you about getting enrolled? A Why he just wanted to get me enrolled I guess. He just want to work himself. I didn't get him to help me; he just asked me if I knew where the Commissioner was. I told him I didn't know anything about it, so he said he would write and find out.

Q Is he acquainted here in the Cherokee Nation? A Yes sir. He lived at Bartlesville a long time, he was a native Cherokee I think, and he got transferred into the Caddo, that's how he came to be over there.

Q Didn't you know anything about the Commission making this roll? A Not until then.

Q You didn't know until he called your attention to it? A Yes sir. Q And then he just wrote back and found out where to apply? A Yes sir.

Q You been down to Oklahoma where all the time and didn't know that this Commission is doing in the Cherokee Nation? A No, not until lately; I know lately what's going on here.

Q Haven't you been over there for years that the Commission was engaged in settling land and settling up this whole Indian question? A I heard it once, but somehow or another I couldn't get off that time. And also got a daughter too, she is going on nine months.

Q Where does she live? A Lives at Ft. Cobb.

Q Have you got a wife? A Yes sir.

Q Why didn't you apply for land? A I thought it would be a lot of trouble.

Q What is your wife, a white woman or a Cherokee? A She is a

James Jones et al v

to be 1/16 Cherokee; that's what her father claims.
Q Where was she born? A She was born in Texas.
Q Where did you marry her? A Married in Oklahoma.
Q How long ago? A Ten years ago.
Q Where has she lived all her life up until you married her?
A She lived in Oklahoma.
Q Was it a week or in the Cherokee nation? A Somewhere in the
Cherokee nation.
Q What does she claim to be, a Cherokee or a Chickasaw? A I
don't know what she claims, but the old man claims to be a relative
Cherokee, and he tried to get in, and he failed.
Q Do you want to apply for her, what is her name? A Estelle Jones.
Q How old is she? A 17.
Q When did you marry her? A Married her, it must have been 1900.
Q Have you a certified date of marriage? A Yes sir.
Q Let me see it? A I haven't got it with me.
Q Were you ever married except to this woman? A No sir.
Q Was she ever married except to you? A No sir.
Q Give me the name of her father? A George Plumley.
Q Is he a Cherokee or a white man? A Claimed to be Cherokee.
Q Where does he live? A He lives in Oklahoma.
Q Is he on any of the rolls of the Cherokee nation? A I don't
think he is, he's tried to get on a roll.
Q When did he try to get on a roll? A I never asked him the
question when it was, he said he spent a whole lot of money at it
and couldn't get on the roll.
Q That's all you know about it, is it? A Yes sir, that's all I
know about it.
Q He is alive now is he? A Yes sir.
Q Give me the name of your wife's mother? A Della Plumley.
Q Is she alive? A Yes sir.
Q What does she claim to be? A White woman, just the old man
claims it.
Q Is your wife on any of the rolls of the Cherokee nation? A I
don't think she is.
Q Has she ever been admitted or recognized in any way as a Cherokee?
A The old man tried it, but I don't think he came out.
Q So far as you know, neither your wife or her father or mother
have ever been recognized in any way as Cherokee citizens? A No,
I never found out.

George Plumley, vs Cherokee Nation;

Yukon, Indian Territory, October 27th, 1895;

Filed September 8th, 1894; answer filed; application denied;
page 183 case number 2675, docket 73, No appeal taken.

Q Give me the name of your wife? A Estelle Jones.
Q How old is the child? A Going on nine months now was eight
months the 1st of this month.
Q You say you were married ten years? A Yes sir.
Q What time last year? A Along in the fall.
Q In the fall of last year? A Yes sir, the fall of last year, was
about that, in the year 1900.
Q Going on ten years? A Yes sir, about ten years.
Q Do you know where your wife's father lived, was it at Yukon?
A I think so.
Q Your wife has never lived in the Cherokee nation at all?
A No sir.
Q She didn't live any Cherokee territory? A No sir.
Q Not on the roll of 1894? A No sir.

Sam'l. Breckinridge: The applicant, in continuation
of his case, applies for an enrollment of his wife, Estelle
Jones, and for their child, Estelle, to become full and

James Jones et al

evidence that his wife's father had never been recognized in any manner as a Cherokee citizen, and that he applied to the Dawes Commission for enrollment in 1896, and was denied, and from that refusal no appeal was taken; his wife's mother, the applicant states, was acknowledged to be a white woman, and his wife, he further states, had never lived in the Cherokee Nation, and is not upon any roll; it follows from the foregoing that his wife has no right or claim of blood, consequently can only claim as a Cherokee by intermarriage; he states that he and his wife were married in the autumn of 1899; this would be too late, under the Cherokee law of December, 18th, 1895, relating to citizenship by intermarriage, to permit her to acquire that right, and to entitle her to enrollment at this time; therefore, the application for the enrollment of him the applicant's wife, Lettie Jones, is rejected.

As for the child, Edell, this child may be entitled to enrollment; the applicant states that neither he or his wife have ever previously married.

Q Have you and your wife lived together ever since you married?
A Yes sir.

They have lived together ever since their marriage, but he is not able to supply the commission with satisfactory evidence of the fact of marriage at this time; the applicant is desired to supply the commission with his marriage license and certificate, if practicable, or with an official copy of both of them; the child is too young to be upon any roll, and the applicant is desired to supply the commission also with a duly authenticated certificate of the child's birth, and this child, Edell Jones, will be listed for enrollment as a Cherokee by blood on a doubtful card with her father.

The applicant files herewith a paper purporting to be signed by Lieutenant-Colonel James H. Hamlett, United States Army, and United States Indian Agent, Kiowa Agency, Oklahoma, July 18th, 1901, to the effect that the applicant is employed on that Agency as blacksmith in the Wichita farming district, and is considered a good man; this will be filed herewith.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 18, 1901.



Notary Public

Department of the Interior
Geological Survey
Washington, D. C.

[illegible][illegible]

Supl.-C.D.#1217.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of JAMES JONES,
ET AL., as citizens of the Cherokee Nation;

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself and others would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 21st day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 21st day of March, 1902, been called, and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---see000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

CHEROKEE D. 1217.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James Jones and Estelle Jones as citizens by blood of the Cherokee
Nation.

DECISION.

The record in this case shows that on July 17, 1901, James Jones appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor child, Estelle Jones, as citizens by blood of the Cherokee Nation. The application also included his wife, but she is differently classified and is not embraced in this decision.

The evidence shows that James Jones is a Cherokee citizen by blood, and was lawfully married in 1899 to his wife, Lottie Jones, a white woman. As a result of that marriage the minor applicant was born. The said James Jones is identified on the Cherokee authenticated roll of 1899; Estelle Jones is identified by a birth affidavit made a part of the record herein.

The evidence further shows that said James Jones was born in the Cherokee Nation and lived therein continuously until 1890, at which time he removed from said Nation to Oklahoma, where he secured employment in the government service and has remained in said Territory of Oklahoma since that time, but has not exercised rights of citizenship in said Territory. The residence of the minor child since birth is considered to be that of her father.

It is the opinion of this Commission that James Jones, being a government employe, has not forfeited his citizenship in the Cherokee Nation by reason of his absence therefrom in the performance of his said duties; therefore, the application for the enrollment of

James Jones and Estelle Jones as citizens by blood of the Cherokee Nation should be granted, in accordance with the provisions of section twenty-one of the Act of Congress approved June 20, 1896 (30 Stat., 405), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CRIMINAL

James Dixby.

CRIMINAL

T. B. Needles.

CRIMINAL

C. R. Breckinridge.

CRIMINAL

W. E. Stanley.

Dated at Muskogee, I. T.,

this MAR 10 1904

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. April 9th 1904.

In the Matter of the application for the enrollment of James Jones et al as citizens by blood of the Cherokee Nation.

Cherokee D 1217.

Comes now the Cherokee nation and respectfully protests against the decision of the Commission rendered in the above entitled case on March 10, 1904 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The applicant is twenty-three years of age and is a married man, resides in the Territory of Oklahoma where he has resided for more than five years immediately previous to his application on July 17, 1901 and was therefore residing in Oklahoma on June 28 1896.

He testifies that he had been a blacksmith in the Government service two for ~~twenty~~ years prior which would have made him enter the Government service in 1899 and prior thereto he was not in the Government service. It is true he claims that he had not voted in Oklahoma but there was only one election that passed after he had reached his majority at which he could have voted and the Department will see how impossible it will be for the representatives of the Cherokee Nation to chase these applicants about from state to state to ascertain whether or not they voted in any election. He admits that he had no property whatever in the Cherokee Nation; his name doesnot appear upon the 1894 pay roll which shows that he was not here at that time. His name is not upon the 1896 census roll; he was married in Oklahoma where his wife was born and in fact he seems to have severed his tribal relations with the Cherokee Nation and Cherokee Tribe of Indians and we do not think that he is now entitled to citizenship in the Cherokee nation under the Cherokee Constitution Art I Sec II or under that provision of the Curtis Bill which provides: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Respectfully,

Attorney for the Cherokee Nation.

mod

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1217

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

McKehee, Indian Territory, March 10, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, granting the application of James Jones for the enrollment of himself and his minor child, Estelle Jones, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,



Commissioner in Charge.

Encl. 7-12

msg

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLE,
C. R. BRICKNORTH

WM O BRALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1217

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

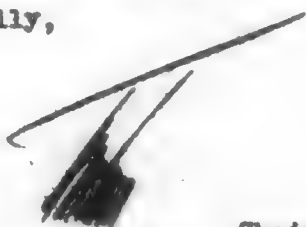
Muskogee, Indian Territory, June 21, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 10, 1904, granting the application for the enrollment of James and Estelle Jones as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 8, 1904.

Respectfully,



Chairman.

THE STATE OF THE APPLICATION
James Jones et al
FOR ENROLLMENT AS
CHEROKEE CITIZENS

- A. Original testimony July 17/92
- B. Memo of application July 17/92
- C. Letter relative to enrollment
- D. Birth certificate - Estelle Jones
- E. Undenied letter and receipt of birth certificate
- F. Report of final consideration, 3/24/02

transferred

1079
Cher

See Cherokee packet for R 617
Dee

Cher D 1218

Cher D 1218

SEP 13 1907

FIIT

NOT TO BE RELEASED TO THE PUBLIC

And she will be the first to have to apply for herself a passport.
 What is the passport? A passport is a document which is given to you
 when you are going to a foreign country. It is a right over it to travel in
 that country. It is a right over it to travel in that country.
 She has not applied for it yet, she has done nothing.
 She is a Williams now. I live over there with them now.
 I live over there with them now. I live over there with them now.

evidence of the child's birth.
 father and mother, and a certificate of other satisfactory
 further evidence of the actual marriage between the child's
 informant as a witness by blood, on a doubtful case, to wait
 child is said to be now living, and to be in the care of
 to be sent to the mother and her mother, and to be in the
 1880 was the fact. She is not on the roll of 1880, which seems
 that this child was not born when the first census roll of
 1880. As for his child's baptism, I have not seen; he stated
 confirmation of his testimony that neither was previously
 to wait further evidence of the fact of their marriage, and
 relation as a witness by intermarriage on a doubtful case.
 together with other children. The wife is said to be
 he or his wife was previously married, and that they have lived
 a testimony in proof of his marriage. He claims that neither
 produce at this time a certificate of marriage, or any other
 and that they were married in April, 1882. He is not able to
 Charles by blood. He claims that his wife is a white woman,
 the family together he will be listed on a doubtful case as a
 married in regard to his wife, and child, and in order to be
 certain as a witness by blood, except that further testimony is
 life. He would now be listed on an enrollment on a doubtful case
 Charles Nation, and has lived in the Charles Nation all his
 identified on his part. It appears that he was born in the
 identified on the roll of 1880, which he states is due to
 his wife he is identified on the roll of 1884. He is not
 on the notwithstanding roll of 1880 as a native Cherokee, and
 rollment of himself, his son and one child. He is identified
 NEW YORK, APRIL 10, 1882.

Customs by blood.

Department of the Int. Rier,
Commission to the Five Civilized Tribes,
St. Gibson, I. T., September 5, 1901.

In the matter of the application of George Henson for the enrollment of himself and child as Cherokee by blood, and for the enrollment of his wife as a Cherokee by intermarriage, being sworn and examined by Commissioner Brookbridge, he testified as follows:

Q Give me your name? A George Henson.
Q Have you got another name? A No sir, if I have got any middle name I don't know it.
Q How old are you? A 30 years old.
Q What is your post-office? A Muskogee.
Q Do you live in the Cherokee Nation? A Yes sir, I live in the Cherokee Nation, but I ain't been right where I am at but a few days and I swear I ain't learned the district; I live right on Goody's Creek; it runs into the Arkansas river.
Q You live on the other side of the Arkansas river from here? A Yes sir.
Q Well that's Canadian District. A Yes sir.
Well I didn't know; I come from Illinois up there.
Q Now who is it you want to apply for anybody besides yourself? A Yes sir, got one child.
Q Have you a wife? A Yes sir.
Q Do you want to apply for her? A Yes sir, she is adopted; she is a white woman.
Q You want to apply then for yourself and your wife and one child? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Have you lived in the Cherokee Nation all your life? A Yes sir, all my life; I have been out a about three or four months at a time.
Q Did you ever make your home anywhere else? A No sir.
Q Are you one of the falls of the Cherokee Nation? A Yes sir, on them all I reckon.
Q Give me the name of your father? A Bill Henson.
Q Is he alive or dead? A Dead.
Q How long has he been dead? A 15 years, about.
Q Give me the name of your mother? A Lizzie.
Q Is she dead or alive? A Yes sir.
Q Well which is it, dead or alive? A Dead.
Q How long has she been dead? A It wasn't but 3 days difference in their death; about 5 years ago, my best recollection; 10 or 12 years ago.
Q Now give me the name of your wife? A Martha Jane.
Q How old is she? A She is 25.
Q When were you and she married? A '83, April, '83.
Q Have you a certificate of marriage? A No sir.
Q Were you ever married except to this wife? A No sir.
Q Has she ever married except to you? A No sir.
Q Give me the name of her father? A John Tompkins.
Q Is he alive or dead? A He is alive, was last spring.
Q Give me the name of your wife's mother? A Susan.
Q Her given name? A That's her given name; Given Tompkins; curious kind of name.
Q Is she dead or alive? A She is living.
Q Where were you married? A Right here at Vian Station.
Q And your wife's father and mother living in the Territory? A Yes sir.
Q Where are they living? A In Arkansas.
Q Were they living in Arkansas at the time you married her? A Yes sir.

George Henson et al 2

Q Where were they living? A Right here at Vian in Sandtown.

Q They moved back to Arkansas? A Yes sir.

Q There is no one here by whom you can prove your and your wife were married? A No sir.

Q You have no proof of marriage? A No sir, not here.

Q Have you lived with your wife ever since you and she married? A Yes sir.

Q And are so living at this time? A Yes sir.

Q Did you get a certificate from the preacher of your marriage?

A No sir, I was going to get it, but I never did; I just neglected to.

Q A preacher married you? A Frank Sanders, the Clerk, he was clerk at that time.

Q Where is he living? A He is down at Vian.

Q Did you get out a license? A Yes sir.

Q Where is your license? A I aint got them, I give it back to Frank Sanders.

Q You gave it back to the clerk? A Yes sir, and I never did go after either one of them.

Q Give me the name of your child? A Pearlina Henson.

Q How old is that child? A It will be 7 years old the 6th day of October.

Q Is this child living at this time? A Yes sir.

I would have brought her with me to-day if she hadn't been sick.

Q Have you or have you had any brothers? A Yes sir.

Q Give me their names? A The oldest one is John.

Q Is he alive or dead? A I don't know, I aint seen him in about 10 or 12 years.

Q Give me the name of your other brothers? A Downey Henson we call him, Lewis Downing he was called.

Q Is he dead? A Yes sir.

Q How long has he been dead? A 8 years or more; youngest brother, Cale; he is dead.

Q How long has he been dead? A About 2 years.

Q That's all of the brothers? A Yes sir, I have got 2 sisters. Younger than me, one Alice and one Maggie.

Q Is Alice dead? A No sir.

Q Is Maggie dead? A No sir.

Com'r to roll clerk: What brothers and sisters do you find there? A John, Downing, Cale, Alice and Mary.

You don't find the father or mother there? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon on page 372 #654 George Henson, Flint District, "Admitted Cherokee 1886 census roll of citizens of the Cherokee Nation examined for applicant and name not found.

Q Weren't you enrolled in 1886 when they took the census? A I think I was.

Q Did you draw the Strip money in 1894? A Yes sir.

Q Didn't you draw Strip money for your child? A No sir, she wasn't born then, and I never did put her on the 1896 roll, I never thought about it.

BY MR. W. W. RASTIN 5, the above Deposition taken.

Q You were living in Illinois District in 1894? A Yes sir, I was raised there.

1894 pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 788 #683 George Henson, Illinois District,

Com'r to roll clerk: And you don't find his wife Martha,

George Hanson et al

or his child Pearlina, on the roll of 1896? A Clerk: No sir.

Q You say your sister Maggie is married? A Yes sir.

Q And she will be here in a few days to apply for herself? A Yes sir.

Q What is her married name? A Maggie Chandler.

Q Where is your sister Alice? A She is right over here across the river.

Q She has not applied either? A Yes sir, she has done enrolled; she is a Williams now. I live over there with them now.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of himself, his wife and one child. He is identified on the authenticated roll of 1880 as a native Cherokee. And his wife he is identified on the roll of 1894. He is not identified on the roll of 1896, which he states is due to neglect on his part. It appears that he was born in the Cherokee Nation, and has lived in the Cherokee Nation all his life. He would now be listed for enrollment on a straight card as a Cherokee by blood, except that further testimony is needed in regard to his wife, and child, and in order to keep the family together he will be listed on a doubtful card as a Cherokee by blood. He claims that his wife is a white woman, and that they were married in April, 1893. He is not able to produce at this time a certificate of marriage, or any personal testimony in proof of his marriage. He claims that neither he or his wife was previously married, and that they have lived together ever since their marriage. She will be listed for enrollment as a Cherokee by intermarriage on a doubtful card, to await further evidence of the fact of their marriage, and confirmation of his testimony that neither was previously married. As for his child Pearlina, 7 years of age; he states that this child was not born when the Strip payment roll of 1894 was made out. She is not on the roll of 1896, which seems to be due to the neglect and oversight of her father. The child is said to be now living, and it will be listed for enrollment as a Cherokee by blood, on a doubtful card, to await further evidence of the lawful marriage between the child's father and mother, and a certificate or other satisfactory evidence of the child's birth.

M. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 6, 1901.

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 13, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George Henson, et al., as citizens by blood of the Cherokee nation:

APPEARANCES:

Applicant, George Henson, present in person.
Mr. W. W. Hastings, Cherokee Representative.

MARY MAGDALINE CHANDLER, being duly sworn by Commissioner Needles, testified as follows: By Mr. Hastings:

- Q What is your name? A Mary Magdaline Chandler.
Q What is your age? A About 31 or 2 years old.
Q Your post office is Mangokee I believe? A Yes, sir.
Q Do you know George Henson? A Yes, sir.
Q He is your brother, is he? A Yes, sir.
Q He is older than you, is he? A Yes, sir.
Q You have just now made application for yourself for enrollment?
A Yes, sir.
Q I believe you stated in your own testimony that you and George Henson went to Little Rock together? A Yes, sir.
Q Now, about what year was that? A I believe it was in '96.
Q It was before the Cherokee strip payment? A No, sir.
Q It was before you were married? A Yes, sir.
Q How long since you married? A About three years.
Q You were married five years ago last July. A Yes, sir.
Q You married then in July, or 1896? A It was in '94 I reckon.
Q When you went to Little Rock? A Yes, sir.
Q Was your brother married at that time? A Yes, sir.
Q Where had he married? A He married out here at Vian.
Q And took his wife with him to Little Rock? A Yes, sir.
Q What did he do down there? A He worked.
Q Kept house? A Yes, sir.
Q Lived with his wife down there? A Yes, sir.
Q Have any children born there? A Yes, sir, had one.
Q What was its name? A Pauline.
Q How long had he been married before he went down there?
A About a year.
Q Now, when did George come back here to the Cherokee Nation?
A He come back here with me.
Q In April? A Yes, sir.
Q April, 1901? A Yes, sir.
Q Has he been living here since that time? A Yes, sir.

Com'r Needles to Applicant, George Henson: Do you want to ask this lady any questions?

Applicant: No, sir, I believe now.

GEORGE HENSON, applicant, sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George Henson.
Q Are you the George Henson that applied to be enrolled here on the 5th day of September? A Yes, sir.
Q You stated in your examination that you had lived in the Cherokee Nation all your life? A Yes, sir, born and raised here.
Q Where were you married? A Down here at Vian Station.
Q Did you move from there to the State of Arkansas? A Yes, sir.
Q Then you lived in the State of Arkansas with your wife?
A Yes, sir.
Q Then if you lived in the State of Arkansas with your wife how could you testify that you lived in the Cherokee Nation all your life? A I stated I went down there with my father-in-law a while;

he begged me to come down there and stay with him, he was a white man and I came back.

Q How long did you live there with him? A I lived there about a year before I came back and I came back and stayed a year and went back.

Q Did you bring your wife back with you? A Yes, sir.

Q And then went back? A Yes, sir.

Q With your family? A Yes, sir.

Q Well, how long did you live there that time?

A I reckon I lived there about ten or eleven months; I don't recollect just exactly how long I did stay there; I believe I stayed while I was up the other day that I had been there off and on ever since I was married on account of my father-in-law, and that I went to see him and come back.

Q You kept house down there? A Yes, sir.

Q Now, when did you move to the Cherokee nation the last time with your family? A Last May.

Q And you had been living in the State of Arkansas a year you say previous to that? A About eight or ten months, I don't think it was 18 months.

Q Where were your children born? A In Arkansas, all but one of the them.

MR. HASTINGS: You heard your sister's statement here did you? A Yes, sir.

Q Now, what year did you go to Arkansas? A Went to Arkansas in '94.

Q Where did you keep house in the Cherokee Nation since 1894 up until this last May? A I kept house right three miles south of Vian Station, between McKay Switch and Vian.

Q On whose place? A On my own place.

Q How long did you keep house there? A About a year.

Q Did you make a crop there? A Yes, sir, started one and didn't make it; the reason I didn't make it, the reason, I planted my crop and they arrested me and kept me in guard down here at Vian.

Q What for? A They arrested me, they accused me of killing my cousin.

Q Were you tried for it? A Yes, sir.

Q Where? A Greenlee.

Q Illinois court? A Yes, sir.

Q What year? A I believe '95.

Q What did they do with you? A Come clear.

COM'R NEEDLES: Greenlee in the Cherokee nation? A Yes, sir, Illinois.

MR. HASTINGS: What was your cousin's name? A William.

Q Henson? A Yes, sir.

Q That was in '95? A I think it was, I wouldn't be positive.

Q Your wife during that time was down in Little Rock? A No, sir, we went down there in '94 and came back in the spring of '95.

COM'R NEEDLES: Where did you live in the year '95, three years after 1895? A In Arkansas.

Q Have you got the proof of your marriage yet? A No sir, I haven't, I have been sick. I would love, you didn't ask her if she was present if it ain't no good I can get the proof down here at Vian and I brought that paper back here you give me the other day. (Refers to birth certificate.)

Q Have you lived with your wife continuously from the time you married her until now? A Yes, sir.

Q She is living now? A Yes, sir.

OFFICE OF THE U.S.A. 12001

U.S. DEPARTMENT OF JUSTICE

J. S. Benson, being duly sworn, says that as stenographer, to the Commission to the Five Civilized Tribes he correctly recorded the testimony in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. S. Benson

Subscribed and sworn to before me this September 15th, 1901.

M. S. Benson

Commissioner

VALLEY PAPER CO. HOL

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

THE UNIVERSITY OF CHICAGO PRESS

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal address, and it is the first of its kind since the signing of the Constitution. The President, James Buchanan, is addressing the Congress, and he is doing so in a very formal and dignified manner. He is discussing the state of the Union, and he is discussing the issues that are facing the country at that time. He is also discussing the role of the President, and he is discussing the responsibilities of the Congress. The letter is a very important document, and it is a very interesting one to read. It gives us a glimpse into the mind of a President, and it gives us a glimpse into the state of the country at that time. It is a document that is worth reading, and it is a document that is worth studying.

CONFIDENTIAL

COMMISSION TO THE ENVIRONMENT

THE UNIVERSITY OF CHICAGO PRESS

R.

C. D-1218.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 31, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of George Hanson for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Appearances:

I. P. Bledsoe, agent for applicant.

W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 31st day of March, 1902. The applicant this date, to-wit: the 31st day of March, 1902, appears by his ~~attorney~~ agent, I. P. Bledsoe.

BY COMMISSIONER MR. BLEDSOE: Do you desire to make any further statement in this case? A No sir.

Q You submit the case? A Yes sir.

The Agent for the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee 2-1912.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 17, 1902.

In the matter of the application of George Hansen for the enrollment of himself and child, Pearlina Hansen, as citizens by blood, and for the enrollment of his wife, Martha J. Hansen, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A George Hansen.
Q How old are you? A Thirty-one.
Q What is your past office? A Muskogee.
Q You are living in Canadian District are you? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Come here in '71, been here ever since.
Q What is your wife's name? A Martha J. Hansen.
Q Is she a white woman? A Yes sir.
Q Does she claim her citizenship through you? A Yes sir.
Q When were you married to her? A In '92.
Q Is Martha J. your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and your wife been living together ever since you were married? A Yes sir.
Q Never been separated? A No sir.
Q Are you living together now? A Yes sir.
Q And you have made your home in the Cherokee Nation ever since your marriage? A Yes sir.
Q How many children have you by your wife, Martha? A One.
Q Pearlina? A Yes sir.
Q Is that child living now? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of November, 1902.

B. C. Jones
Notary Public.

115

Cherokee D-1218.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Henson for
the enrollment of himself and his minor child, Pearlina Henson,
as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on September 8, 1901, George Henson appeared before the Commission at Ft. Gibson, Indian Territory, and made application for the enrollment of himself and his minor child, Pearlina Henson, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Martha J. Henson, as a citizen by intermarriage of said Nation. Further proceedings in the matter of said application were had at Ft. Gibson, Indian Territory, on September 13, 1901, and at Muskogee, Indian Territory, on March 21 and on October 19, 1902. Martha J. Henson is not embraced in this decision, and her rights are not passed upon at this time.

The evidence shows that the said George Henson is identified on the authenticated tribal roll of 1880 as a native Cherokee, and on the strip payment roll of 1894; that he was married to Martha J. Townsend on April 24, 1903, and that the child, Pearlina Henson, is the issue of that marriage. The latter is identified by a birth affidavit made a part of this record.

The evidence further shows that the said George Henson has been a resident of the Cherokee Nation all his life; that since 1864 he has been absent from said Nation at various times, but that such absences have been temporary, and there is no proof that he acquired citizenship elsewhere. The residence of Pearlina is that of her father.

It is, therefore, the opinion of the Commission that George Henson and Pearlina Henson should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions

of section twenty-one of the Act of Congress approved June 20, 1898
(30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: James Bixby.

Commissioner,

SIGNED: T. B. Needles.

Commissioner,

SIGNED: C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 5 1904.

ATTORNEYS:

L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.

C. D. 1213

Muskogee, I. T., Feb. 20, 1902.

John L. Brown, Esq.,
Webbers Falls, I. T.

Dear Sir:

A man by the name of George Henson has applied to the Commission for enrollment as a citizen of the Cherokee Nation. He is duly identified on the 1880 roll and his residence is satisfactory up until about 1893. After that time he seems to have lived in Little Rock, Arkansas, and his residence is unsatisfactory. Please advise us what You know of this man's residence since 1893. He is the ~~man~~ brother of Oale Henson and was the man that was accused of the murder of his cousin, William Henson.

Yours truly,

COMMISSIONERS

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1218

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, September 1, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

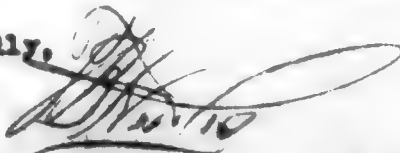
Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that, before the application of George Henson for enrollment of himself and family as citizens of the Cherokee Nation will be complete, it will be necessary that further testimony be introduced as to his residence in the Cherokee Nation and what property he has owned in that nation.

The applicant has this day been notified that this testimony can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before October 2, 1903.

Respectfully,



Commissioner in Charge.

MTX

Comm A

COMMISSIONERS:
TAMM BERRY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE,
WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR, Cherokee D-1218.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 5, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 5, 1904, granting the application for the enrollment of George and Pearline Henson as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-43.


Chairman.

Cher D 1219

Cher D 1219

SEP 13 1901

1. I have read the report of the committee on the subject of the proposed new law, and I am in favor of it. I think it is a very good law, and I think it is very important for the people of this country to know about it. I think it is a very good law, and I think it is very important for the people of this country to know about it.

will be notified in writing of his present position and of the decision of the Committee is finally rendered in accordance with the National Council of American-Soviet Friendship. The Committee is requested to citizenship in the Overseas Nation, either by with the Committee a certificate showing that the father was blood upon a doubtful card, and in his required to file mother, he will be listed for enrollment as a Overseas by Commonwealth of \$12,000.00, nor the name of his father or consular roll of 1930. For the reason that his name cannot be the mentioned roll of 1930, but as identified upon the in the Overseas Nation. He is not identified upon the of himself as a Overseas blood. It seems that he has lived Overseas applies for the enrollment

[illegible]

A full and complete transcript of his stenographic notes from the proceedings and testimony in the above case, and the foregoing information is being furnished to the Division for its consideration.

Dated at New York, New York, this 10th day of May, 1936.
Special Agent in Charge

Sworn to and subscribed before me this 24th day of September, 1961.

Cherokee by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 9, 1901.

In the matter of the application of Evans P. Roberson for enrollment as a Cherokee by blood.

EVANS P. ROBERSON, being appearing before the Commission and being duly sworn and examined, testified as follows:

- Q What is your name? A Evans Roberson.
Q How old are you? A I am 22.
Q What is your postoffice address? A Tahlequah.
Q What district do you live in? A I live in Tahlequah district.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q What degree of Cherokee blood do you claim? A One fourth.
Q Do you apply for the enrollment of anyone else besides yourself?
A No, sir.
Q What was the name of your father? A Jeff Roberson.
Q Is he living? A No, sir.
Q Was he a Cherokee Indian? A Yes, sir.
Q What is the name of your mother? A Her name is Lou Roberson.
Q Is she living? A Yes, sir.
Q Is your mother a Cherokee Indian? A No, sir.
Q A white woman? A Yes, sir.
Q Have you always made your home in the Cherokee Nation? A Yes sir.
Q You are living here at the present time? A Yes, sir.
Q Never made your home in any other Nation? A No, sir.
Q Did you ever apply for enrollment in any other Nation or tribe?
A No, sir.
Q Does your name appear upon the roll of 1880? A I disremember which, I know it is on the 1882, it is on the strip roll.
Q Is your name Evans P.? A Yes, sir; I have an uncle too.
Q When did your father die? A He died about two years ago.
Q Did your father ever have any other name besides Jeff? A Not that I know of.
Q Did your father ever leave the Cherokee Nation? A Yes, sir, I believe he did.
Q When, do you know? A It has been 18 years ago I think.
Q Where did he go to? A He went to Joplin, Missouri.
Q How long did he remain there? A I disremember how long he did.
Q Do you know whether he was ever readmitted to citizenship when he came back? A Yes, sir.
Q He was? A Yes, sir.
Q Have you any evidence of that readmission? A I think that Mr. Starr knows about it.
Q Mr. Stuart Starr? A Yes, sir.
Q Have you any brothers and sisters? A I have a half sister.
Q Same father? A Yes, sir.
Q What was her name? A Malina Roberson.
Q Has she been enrolled? A Yes, sir, my stepmother enrolled her.
Q She was enrolled under the name of Roberson? A Yes, sir, her mother was named Louie Roberson.
Q Who was the mother of your sister Malina? A Annie Roberson.
Q She was a Cherokee was she? A Yes, sir.
Q And your mother was white? A Yes, sir.
The 1880 authenticated roll of Cherokee citizens examined and the parents of the applicant not identified therein.
The 1882 census roll of Cherokee citizens examined and the applicant identified therein, page 1222, No. 2742, Tahlequah district, as Evans Robinson.
Q Has your mother ever applied for enrollment to this Commission?
A No, sir, I don't think she ever had. My father came back along

about 19 years ago, I don't know how long he had been there; I am 41.
Q You don't apply to enroll anyone besides yourself do you? A No, sir.

Commissioner: Bruce P. Cherokee applies for the enrollment of himself as a Cherokee by blood. He avers that he has lived in the Cherokee Nation all his life. He is not identified upon the authenticated roll of 1880, but is identified upon the census roll of 1885. For the reason that his name cannot be found upon the roll of 1880, nor the name of his father or mother, he will be listed for enrollment as a Cherokee by blood upon a doubtful card, and he will be required to file with the Commission a certificate showing that his father was readmitted to citizenship in the Cherokee Nation, either by the Cherokee National Council or Commission on Citizenship. When the decision of the Commission is finally rendered he will be notified in writing at his present postoffice address.

By S. B. Baugh, Cherokee representative: Where were you born?
A I don't know whether I was born in the Territory or within the state line.

Q Where was your father married to your mother? A He was married here in Tahlequah.

Q You know about when? A No sir I don't know just exactly when.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 8th of September, 1901.

W. M. McLean
W. M.

Notary Public.

RECEIVED
SEP 11 1901

Q Was he a Cherokee or a white man? A He was a white man.
Q My commission?
Q Did you ever hear her say about when he died? A No sir.
Before he met.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes taken thereat.

M.D. Green

Subscribed and sworn to before me this November 18, 1901.

[Signature]
Notary Public

[Signature]
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
NOV 22 1901

[Signature]

Acting Chairman

File with Cherokee B-1219.

R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 16, 1901.

SUPPLEMENTAL testimony in the matter of the application of
Evans Roberson for enrollment as a Cherokee citizen by blood, D card
No. 1219.

Appearances:

J. L. Baugh, for the Cherokee Nation.
Applicant appears in person.

EVANS P. ROBERSON, being sworn and examined, testified as
follows:

BY THE COMMISSION:

- Q What is your name? A Evans P. Roberson.
Q How old are you? A About 46.
Q What is your post-office address? A Tahlequah, I. T.
Q Are you acquainted with the applicant, Evans P. Roberson?
A Yes sir.
Q Are you related to him? A I am his uncle.
Q His father was your brother? A Yes sir.
Q What was the name of his father? A Jeff Roberson.
Q Is he living or dead? A He is dead.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q Recognized? A Yes sir.
Q What is the name of the applicant's mother? A Lou.
Q Is she living? A I don't know whether she is or not.
Q Is she a citizen by blood? A No sir, white woman.
Q About how old is the applicant? A About 21 I suppose.
Q Was his father living when the roll of 1880 was made? A Yes sir.
Q When did his father die? A Died last April a year ago.
Q Is his father's name on the roll of 1880? A I think not.
Q Why? A He was not here at that time.
Q Where was he living at that time? A I think he was in Joplin,
Missouri.
Q Had he removed from the Cherokee Nation? A Yes sir.
Q Did he have his effects with him? A No I don't think he did.
Q Take his family with him? A Took his wife, this boy's mother.
Q When did he return to the Cherokee Nation? A '83.
Q Was he re-admitted to citizenship after his return? A Not that
I know of, his citizenship never was questioned so far as I know.
Q After his return was he always recognized as a citizen? A Yes
sir, he was elected judge of this district once.
Q Judge of the District Court of Tahlequah District? A Yes sir.
Q Was that before his removal or afterwards? A No, since he came
back.
Q You know when he was married to the applicant's mother? A As
near as I remember it was after he came back, in '83; the only
marriage I know anything about.
Q Then the applicant was born before the father and mother were
married? A Yes sir.
Q Was he living with this, his wife, Lou, prior to the birth of
this boy? A Yes sir.
Q Did he continue to live with her? A No, they separated before he
died.
Q How long before he died? A I don't know exactly.
Q About how long did they continue to live together? A They must
have lived together two or three years after they were married.
Q Were you present when he was married? A Yes sir.
Q Where was he married? A He was married at what we now call Mel-
vin.
Q That was in the Cherokee Nation? A Yes sir.
Q By whom was he married? A Rev. A. M. Chamberlain.
Q Is he living? A No sir.
Q You know whether or not he gave them a marriage certificate?
A I don't think he did.

Q Was there anyone else present at the marriage besides yourself? A No sir.

Q Is your name on the roll of 1850? A Yes sir, I think so.

Q Did you ~~have~~ ~~the~~ and the applicant's father have the same father and mother? A Yes sir.

Q Before Jeff Roberson moved to Missouri had he always been recognized as a Cherokee citizen? A Yes sir.

Q Had he held any offices prior to that time? A No sir, only being on guard.

Q He had always practiced the right of suffrage in the Cherokee Nation? A Yes sir.

Q And after his return from Joplin Missouri he was elected Judge of the District Court of Tahlequah District? A Yes sir.

BY MR. BAUGH:

Q About when did Mr. Roberson go to Joplin, Missouri, about when?

A I was in Sequoyah District when he left here, in 1860.

Q Well did he take you Roberson his wife with him at that time to Joplin, Missouri? A I was so informed; I was down at Sequoyah; They lived on Fourteen Mile Creek.

Q Was the applicant at that time born? A No sir, he was not born.

Q Do you know where he was born at? A No sir.

Q About how long had they been living together before he went to Joplin, Missouri? A I think it was in '74 or '75.

Q When they first commenced living did ~~they~~ ~~live~~ together? A Yes sir.

Q Did they have any other children besides the applicant here?

A None that I know of.

Q Then when they returned after 1883 you say he married her then?

A Yes sir, when they returned they brought this boy with them.

COMMISSION:

Q After the begun to live together in '74 they continued to live together until sometime in about '85, or about two years after they married in 1883, is that your understanding? A My understanding is they left here as man and wife and they came back here as man and wife in '83; you say I was absent from this district when they left; it is my information that they went away from here together.

Q But then after they returned they were married in your presence were they not? A Yes sir.

Applicant, EVANS ROBERSON, called and sworn and examined, testified as follows:

BY COMMISSION:

Q You were an applicant before the Commission in September at Fort Gibson? A Yes sir.

Q You applied then as a citizen by blood? A Yes sir.

Q What is your full name? A Evans Roberson.

Q In answer to the question which as to what your name was at that time you stated that it was Evans E., is that a mistake?

A That is a mistake.

Q You desire to be listed for enrollment under the name of Evans Roberson do you? A Yes sir.

BY MR. BAUGH, Cherokee Representative:

Q When did your mother and father separate? A Why I don't know just exactly when.

Q About how long before his death? A It has been quite a while, I don't remember.

Q Did your mother ever have any children besides you by Evans Roberson? A Not by my father.

Q Was she ever married before she married your father? A Yes sir, she was married before she married my father.

Q Who was she married to? A Hutchins.

Q Was he dead at the time she commenced living with your father?

A I don't know whether he was or not, I can't say.

Q Did you ever hear your mother say? A I never heard her say; I have heard her say he was dead but I don't know whether he was dead.

before me.

Q Did you ever hear her say about when he died? A No sir.
BY COMMISSIONER:

Q Was he a Cherokee or a white man? A He was a white man.

...

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 18, 1901.

J. C. Clark
Notary Public.

Department of the Interior,
Bureau of Land Management,
Washington, D. C. 20090.

DO NOT BE AFRAID TO BE A FOOL IN THE EYES OF THE WORLD. IT IS THE ONLY WAY TO BE A FOOL IN THE EYES OF GOD.

CONFIDENTIAL

DEFINITION OF THE TERM "INFLUENZA"
1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-

6/1/00

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Supl.-C.D.#1219.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of EVANS ROBERSON
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March, 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOooOoo---

I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

Q Now, did you see any other persons in the room?
A Yes, I saw a man in a suit and tie, and a woman in a dress.
Q Did you see any other persons in the room?
A Yes, I saw a man in a suit and tie, and a woman in a dress.

Q Are you acquainted with this man?
A Yes, I am.
Q Is he a recognized man of town?
A Yes, sir.
Q Do you know this man?
A Yes, sir.
Q Was the wife of John Robert?
A Yes, sir.
Q And they were recognized as husband and wife, were they?
A Yes, sir.
Q Did you know her as the wife of John Robert?
A Yes, sir.
Q Where did you know her as the wife of John Robert?
A I knew her at this place.

Commissioner: I have filed an application for a writ of habeas corpus in the case of John Robert, and the exact date of his application cannot at present be determined.

I, A. R. Choover, being duly sworn, state that an attempt was made to obtain a writ of habeas corpus for John Robert, and the exact date of his application cannot at present be determined.

Handwritten signature

Handwritten signature

1919

1919

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, Indian Territory, June 26, 1902.

Supplemental proceedings in the matter of the application for
the enrollment of Evans Robertson, et al., as citizens, by blood,
of the Cherokee Nation.

Evans Robertson, appearing before the Commission, and being duly
sworn and examined, testified as follows:

By COMMISSIONER C. R. BRUCKENRIDGE:

- Q Give me your full name? A Evans Robertson.
Q How old are you? A I am 21.
Q What is your post office? A Tahlequah.
Q Do you live in Tahlequah District? A Yes, sir.
Q You want to give some additional testimony in your case, I
believe? A Yes, sir.
Q Where did you originally apply for enrollment? A At Tahlequah.
Q When was that? A It was when they was here the last time. Then
I was over at Gibson once.
Q Did you apply at Gibson? A Yes, sir.
Q And then you appeared before the Commission again at Tahlequah,
did you? A Yes, sir.
Q Did you apply for anybody besides yourself? A No, sir.
Q You made your own application? A Yes, sir.
Q Give me the name of your father? A John Robertson.
Q Is he living or dead? A Dead.
Q How long has he been dead? A Two years.
Q Is he a white man or Cherokee? A Cherokee.
Q What degree? A Half.
Q What was his mother? A Cherokee, I think.
Q You don't know? A No.
Q What was his father? A Either his father was a white man, or
his mother was white; I don't know which.
Q Give me the name of your mother? A She goes by my father's
name.
Q Give me your mother's present name? A Luc Stewart.
Q Is this lady (indicating lady seated beside witness) your mother?
A Yes, sir.
Q Is she a white woman? A Yes, sir.

Luc Stewart, appearing before the Commission, and being duly
sworn and examined, testified as follows:

- Q Give me your full name? A Luc Stewart.
Q How old are you, Mrs. Stewart? A About 46.
Q What is your post office? A Here, Tahlequah; it was Joplin,
Missouri.
Q You are not at this time a citizen of the Cherokee Nation?
A No, sir.
Q Is this young man your son? A Yes, sir.
Q When were you married to his father? A About 1878.
Q Were you and his father married? A In the Cherokee Nation.
Q At what point in the Cherokee Nation? A In Gage County, and
under the old Cherokee law.
Q Well, did you get a marriage license? A No, no, it wasn't
thought of then; just an old preacher.
Q What was the preacher's name? A I don't know it now; he is
dead.
Q How long did you and this young man's father live together?
A About 6 years - 7 years.
Q And where did you live with him? A I lived in Tahlequah.

with him, and I lived in Joplin with him.

Q What was he doing in Joplin? A Mining.

Q And then you and he parted? A Yes, sir; after that, he came back here through - we separated.

Q How old would John Roberson be if he were living now? A I can't tell.

Q Was he older than you? A Yes, sir.

Q Was he much older than you? A He was 2 or 3 years older.

Q Do you know whether he was ever married before he married you? A No, sir.

Q Were you ever married before you married him? A Just once.

Q Who was your first husband? A Richard Ketchum.

Q Where did you marry him? A In St. Charles County, Missouri.

Q Was he dead when you married John Roberson? A Yes, sir.

Q Where was this young man born? A He was born in Joplin.

Q And when you came down to the Cherokee Nation, did you bring him with you? A Oh, yes, sir.

Q And where has he lived since that time? A Off and on here in Tahlequah.

Q Where did he go? A Sometimes he went -

Q Did he come up to where you lived in Missouri? A Yes, sir; up there sometimes.

Q And sometimes in Texas? A Yes, sir.

Q He was very young when you separated from his father? A 2 years old.

Q And then, did he come with you or stay with his father? A He staid with his father.

Q Where did his father die? A Here in Tahlequah.

Q Did his father stay in the Cherokee Nation ever since he parted from you? A Yes, sir.

III - direct from Roberson.

Q What were you doing down in Texas? A Not anything.

Q Just wandering around there? A Yes, sir.

Q What were you doing in Missouri? A Up there visiting my mother.

Q Where did your father ever live besides the Indian Territory?

A He lived in Joplin so far as I know, and in Salina.

Q How much did he live in Joplin? what do you know about it? A

A I don't know.

Q You are 21 years of age, and he died 2 years ago? A I don't know.

Q I want you to tell me where your father lived during the time you can remember? A He lived here all the time I can remember.

Q Never lived anywhere else so far as you can remember?

A No, sir; not that I can remember.

Q Did he live in this town? A Yes, sir; he was in town here with the jail most of the time - he was a guard there.

Q He was engaged at the jail most of the time since you can recollect was he? A Yes, sir; 5 or 6 years ago.

Q When you first remember your father was he living here? A Yes.

Q Was he a guard at the jail then? A Yes, sir.

Q And down to 5 or 6 years ago? A Yes, sir; I think it was along at that time.

Q And he lived here all that time did he? A Yes, sir.

Q And then where did he go? A No other place, he staid here till he died.

Q What did he do after he quit being guard at the jail? A He was married, and moved to the town.

Q In this town of Tahlequah the first place you have any recollection? A No, sir; I was out at Fourteen Mile Creek then with my mother, this is the first place I can remember at.

Luc Stewart recalled.

Q Did you and your husband come to the Cherokee Nation at the time of your marriage or afterwards? A Yes, sir.
 Q You did not live in Going Snake? A No, sir.
 Q And was your residence with him the Cherokee Nation entirely in Tahlequah? A Yes, sir.

RE - direct Evans Rebersen.

Q Do you know whether your father applied for enrollment before he died? A No, sir; he didn't.
 Q He didn't apply at the time you applied? A No, sir.
 Q When you applied he was dead, was he? A Yes, sir.
 Q Now who among these old citizens would know your father? A Mr. Dick there, and George knew him -

John Loser, appearing before the Commission, and being duly sworn and examined, testified as follows:

Q Give me your full name? A John Loser.
 Q How old are you? A I am going on 47.
 Q What is your post office? A Tahlequah.
 Q Are you a citizen of the Cherokee Nation? A Yes, sir; born and raised right up here.
 Q Do you know this young man here, Evans Rebersen? A Yes, sir.
 Q Did you know his father? A Yes, sir.
 Q When did you first know John Rebersen? A Over 20 years ago.
 Q Did you always know him as a recognized citizen of the Cherokee Nation? A Yes, sir; I knew his brother.
 Q Well John Rebersen is dead, isn't he? A Yes, sir.
 Q You knew him just after the Civil War? A Yes, sir.
 Q You knew him well from then till the time he died? A Yes, sir; about two years ago.
 Q Well, where did John Rebersen live for the last 25 years?
 A He was out of the country for a while, and then, when he came back he lived on Fourteen Mile Creek.
 Q When did he move to Tahlequah? A Quite a while ago.
 Q What did he do here? A Mayor of the town, marshal, guard at the jail I think.
 Q When did you know his mother? A On Fourteen Mile Creek.
 Q He and this woman were recognized in the community as husband and wife, were they? A Yes, sir.
 Q Was John Rebersen mayor and district judge just before he died?
 A It has been several years ago about 7 or 8 years, I don't know exactly, but I know he was mayor of the town and district judge.
 Q That was after he was guard at the jail? A Yes, sir.
 Q What did he do for the last few months of his life? A He staid in a little store down the creek here for a while.
 Q Well for the last 10 or 15 years of his life did he live in Tahlequah? A No, sir; he lived out on Fourteen Mile Creek for a while.

John H. Dick, appearing before the Commission, and being duly sworn and examined, testified as follows:

Q Give me your full name please? A John H. Dick.
 Q How old are you? A About 34.
 Q What is your post office address? A Tahlequah.
 Q Are you a recognized citizen of the Cherokee Nation? A Yes, I sir.
 Q Have you lived in the Cherokee Nation all your life? A Yes, sir.

-4-

Q How long did you know John Roberson the father of this young man?
 A I don't know.
 Q Did you know him for a good many years? A For quite a few years.
 Q Well for 15 or 20 years? A I don't know when I first got acquainted with him.
 Q Did you know him as guard at the jail? A Yes, sir.
 Q Mayor of the town? A Yes, sir.
 Q District judge? A Yes, sir; of Tahlequah District.
 Q When was he judge? A I believe he was elected in 1895.
 Q Where did he live the last 10 or 15 years of his life? A In Tahlequah District.
 Q Are you acquainted with this young man, Evans Roberson? A Yes, sir.
 Q Is he a recognized son of John Roberson? A Yes, sir.
 Q Do you know this lady here, Luc Stewart? A Yes, sir.
 Q Was she the wife of John Roberson? A Yes, sir.
 Q And they were recognized as husband and wife, were they? A Yes, sir.
 Q Did you know her as the mother of this young man? A Yes, sir.
 Q Where did you know this lady when you knew her as the wife of John Roberson? A Here at Tahlequah, at this place.

Commissioner: This will be filed as supplemental testimony in the case of Evans Roberson, whose application, it appears was first made at Fort Gibson, but the number of his case, and the exact date of his application cannot at present be determined.

I, A. E. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

A. E. Cheever

Sworn to and subscribed before me this 19th day of July, 1902.

(Seal)

Prince C. Jones
 Notary Public.

Cherokee D 1217

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jac.
L.R.

In the matter of the application of Evans Roberson for enrollment as a citizen by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that, on September 9, 1901, Evans Roberson appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, November 15, 1901, and June 28, 1902.

The evidence shows that the applicant, Evans Roberson, was twenty-one years of age at the date of this application; that he is the son of one Jeff Roberson and wife, Lea Roberson, who were married in the Cherokee Nation in 1879.

It appears from the records of the Commission that the said Evans Roberson and his father, Jeff Roberson, are duly identified upon the 1885 and 1886 pay rolls, the 1890 Census roll, the 1894 Strip payment roll and the 1896 Census roll of the Cherokee Nation as native Cherokees.

The evidence further shows that Jeff Roberson, father of said applicant, has always resided in the Cherokee Nation, with the exception of several years between the years 1879 and 1888, during which time he resided in the State of Missouri, and that the applicant, Evans Roberson, has continuously resided in the Cherokee Nation since the year 1888 up to and including the date of this application.

It is, therefore, the opinion of this Commission that Evans Roberson should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section 21, of the Act of Congress approved June 23, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ISSUED


James Dixie
Acting Chairman.


C. H. Bradburn
Commissioner.

11
COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cher. D-1219.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 22, 1902

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

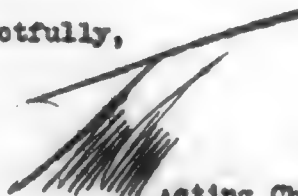
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Evans Roberson for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-87.

Shenandoah

D. 12-19

Ernest Robinson
Decision

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Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, K. T. September, 11, 1901.

In the matter of the application of Charlott Downing for its enrollment of herself and two children as citizens of the Cherokee Nation by blood. She being duly sworn and examined by the Commission testified as follows:

- Q What is your name? A. Charlott Downing.
Q About how old are you? A. About 30 I guess.
Q What is your post office address? A. Westville.
Q Is that in the Cherokee Nation? A. Yes sir.
Q In what district do you live? A. Goingsnake.
Q Do you apply for enrollment as a Cherokee by blood? A Yes sir.
Q Do you apply for anyone besides yourself? A. I have got two children.
Q What are their names? A. Peggy Whitwire.
Q How old is Peggy? A She is five going on six.
Q What is the name of the next one? A. Henry Bushyhead.
Q Is that all, just the two children? A Yes sir.
Q How old is Henry? A. Three years old.
Q Are these children both alive and living with you at the present time? A. Yes sir.
Q Where were you born? A In the Cherokee Nation.
Q Have you lived here all your life? A. Yes sir.
Q Have you ever made your home any where else? A. No sir.
Q Did you ever apply for enrollment in any other tribe or nation? A. No sir.
Q What is the name of your father? A. Josh Robbins.
Q Is he living? A. No sir.
Q Was he a Cherokee or a white man? A. Cherokee.
Q What is the name of your mother? A Emily Weaver.
Q Is she living now? A. Yes sir but is my mother sitting over there.
Q Is she a Cherokee by blood? A. Yes sir.
Q How much Cherokee blood do you claim? A. I guess I am about half.
Q What is the name of your husband? A Jim Downing.
Q When were you married to him? A. In '88 I think.
Q Were you ever married to any other man before you married him? A. No sir.
Q Who is the father of Peggy? A Emily Whitwire.
Q You were not married to him? A. No sir.
Q Who was the father of Henry Bushyhead? A. Josh Bushyhead.
Q Was he a Cherokee by blood? A. Yes sir.
Q You were not married to him? A. No sir.

The applicant presents a certified copy of a marriage certificate showing that J.H. Downing and Charlott Robbins were united in marriage on the 5th day of March 1888 by J.R. Wright, Clerk of Goingsnake district, Cherokee Nation. Same is filed herewith.

- Q Does your name appear upon the roll of 1880? A I don't know, I guess it is.
Q What district did you live in 21 years ago? A Goingsnake.
Q Did you have any brothers or sisters? A. Three sisters.
Q State their names please? A Lotty, Mary and Rachel.
Q Are they all older than you? A. One younger and two older, Lotty is younger.
Q Did you ever draw any money from the Cherokee Nation? A. No sir.
Q Never drew any? A. No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1888 for enrollment as a Cherokee citizen? A. Nether did I think.
Q Were you admitted to citizenship or were you denied? A. Nether come here— nether said she wasn't denied here.

EMILY WEAVER, called and sworn as a witness for the applicant testified as follows:

- Q What is your name? A. Emily Weaver.
Q How old are you? A. I can't exactly tell, reckon about 80 or 80.

- Q What is your post office address? A. Westville.
 Q Are you a Cherokee by blood? A. Yes sir that is what I claim.
 Q Have you ever been recognized as a citizen of the Cherokee Nation? A. Yes sir I was here.
 Q When? A. They gave me my citizenship here by act of Council they told me.
 Q When was it? A. Here's my papers you can look at them. (Hands Commission papers)

The applicant presents certain papers praying the Cherokee Council for admission to citizenship in the Cherokee Nation. It does not appear from them that any action was ever taken by the Cherokee Council as far as the papers are concerned and they are returned to the applicant.

- Q Did you ever draw any money from the Cherokee Nation? A. No sir.
 (By Commission of Applicant)
 Q You husband Jim Downing, is he a Cherokee by blood? A. Yes sir.
 Q Is he living? A. No sir.
 Q When did he die? A. Ten years ago.
 Q Have you ever married since his death? A. No sir.
 Q Did you ever live with Ellis Whitwire? A. No sir.
 Q Never kept house with him? A. No sir.
 Q Did you ever live with Bob Bushyhead? Did you ever live with him or keep house with him for any length of time? A. Two months I guess, but he went off and left me.
 Q About how old would your husband Jim Downing be if he were living to-day? A. I don't know just how old he would be.
 Q Was he considerably older than you or younger? A. Yes sir he was older.
 Q What was his father's or mother's name? A. I don't know.
 Q How long did you know him before you married him? A. About three years.
 Q Had he always been living in Gainganake district? A. No sir he lived on Grand river.
 Q In what district? A. I don't know just what district it was.
 Q Did you ever have any children by Jim Downing? A. No sir.
 Q Did he have any children at all? A. No sir.
 Q Was he married before he married you? A. No sir not until he married me

The 1880 authenticated roll of the Cherokee Nation examined for the name of the applicant's husband, and he is identified thereon as follows:

Page 780 No. 881, Jim Downing, Tahlequah district, Native Cherokee 18 years of age

(By W. V. Hastings, Cherokee Representative)

- Q How long did you live with Jim Downing? A. Two and a half years.
 Q Continuously? A. Yes sir.
 Q Didn't live with him until his death? A. No sir.
 Q Where did you live with him? A. On Syner's Creek in Gainganake.
 Q How far from Rich Wolf's? A. Five miles I reckon.
 Q What made you quit him? A. I didn't quit him, he went off on Grand river and didn't come back any more.
 Q You didn't have any children by him? A. No sir.
 Q Were you and he keeping house separately? A. Keeping house right here with my mother.
 Q And have you been living with your mother ever since he left? A. Yes sir.
 Q Was it where you live now in Gainganake that you and Jim Downing lived? A. Three miles below where we live now.
 Q Why didn't you come to us at Westville and apply? A. I went there but they was through.
 Q Why didn't you come to us at Tahlequah? A. I didn't have no way to come or I would have gone there.
 Q And you state now that you have never married or lived with any one since you and your husband Downing separated? A. No sir.
 Q How long had you known Downing before you married him? A. Three years I said - - three and a half years.
 Q He was living on Grand river and you was living in Gainganake? A. Well we lived on Grand river about a year and then we moved to Gainganake

and he come there and we got married.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 745 No 695, Charlott Downing, Native Cherokee, Goingsnake District.

Applicant not found on the 1880 authenticated roll of the Cherokee Nation.

By the Commission- Charlott Downing applies for the enrollment of herself and two children as Cherokees by blood. She avers that she has lived in the Cherokee Nation all her life; she is identified upon the census roll of 1896 as a native Cherokee; she produces satisfactory proof as to her marriage on March, 5th 1886, to one Jim Downing, and the said Jim Downing is identified upon the authenticated roll of 1880 as a native Cherokee. She states that she lived with the said Downing for about two and a half or three years and that they then separated. She also states that she had not married since the separation from the said Downing. She has two children, Peggy Whitmire and Henry Bushyhead. The said Peggy Whitmire is a daughter of one Ellis Whitmire, and Henry Bushyhead is a son of one Bob Bushyhead. She states that she was never married to either the said Whitmire or the said Bushyhead. By reason of the fact that she is not identified upon any of the rolls of the Cherokee Nation except the census roll of 1896, it would appear that she is not entitled to enrollment as a Cherokee citizen by blood; but it appears that she may be entitled to enrollment as a citizen by intermarriage. In as much as she avers that she was never married to the father of her two children, the application which she makes as to their enrollment will be rejected and their names will be placed on a rejected card. The said Charlott Downing, will be duly listed for enrollment on a doubtful card and when the final decision of the Commission is finally rendered as to the matter of the application made for herself and her two children, she will be duly notified of the same by mail at her present postoffice address.

The 1896 census roll of the Cherokee Nation examined for the name of her children and there is found the name of her oldest child, as follows:
Page 810 No. 3516, Peggie Whitmire, Goingsnake district.
NOTE: "Child of Charlott Downing."

By the Commission: Upon further examination of the census roll of 1896 it appears that the said Peggy Whitmire is identified upon said roll as a native Cherokee, but it is not thought that the enrollment of this child in 1896 would in any way change its status and its enrollment will therefore not be changed.

§ § § § § § §

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, that he reported in full all the proceedings in the above cause and that the foregoing is a full and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 11th of September, 1901.

Chas. von Weise
Notary Public.

THE BUREAU IS THE OFFICE OF THE DIRECTOR OF CHARTERED SCHOOLS

21

1. The above information was obtained from a review of the files of the FBI, New York Office, and the files of the FBI, New York Office, and the files of the FBI, New York Office.

Supl.-C.D.#1220.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLOTTE DOWNING as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902 that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that she could on said date appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her application. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---see000000---

I, J. O. Kessen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Kessen

JOR.

Cher. D-1220.

Cher. R-618. ✓

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of CHARLOTTE DOWNING and her two children PEGGY WHITMIRE and HENRY BUSHYHEAD as citizens by blood of the Cherokee Nation.

Appearances:

W. W. Hastings, attorney for Cherokee Nation.

CHARLOTTE DOWNING? being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Charlotte Downing.

Q How old are you? A I don't know exactly how old I am.

Q How old do you think you are? Thirty-five or forty, somewhere along there? A Yes sir, I guess I am.

Q What is your post office address? A Westville.

Q Have you made application to this Commission for enrollment?

A Yes sir.

Q As what, a Cherokee by blood or intermarriage? A Yes sir, I tried for Cherokee by blood, that is all I want to try for.

Q You claim to be a Cherokee by blood? A Yes sir.

Q What was the name of your father? A Joshua Robbins.

Q He is dead, you state? A Yes sir.

Q About how long has he been dead? A He has been dead, I reckon, about ten years, maybe longer than that. He died up here on the prairie close to Westville.

Q About how old were you when he died? A I was about five years old. I was a little fellow just beginning to walk.

Q Do you remember your father? A No sir.

Q He has been dead considerably over ten years? A Yes sir.

Q What is the name of your mother? A Emily Crittenden.

Q Is she living? A Yes sir.

Q Is that her present name? A Yes sir.

Q To what nationality does she belong, white woman or what?

A She is a Cherokee. She claims to be part Cherokee.

Q Does she claim to be a Cherokee by blood? A Yes sir.

Q What other blood has she? A I think she has got a little colored blood, but she don't look like it, mighty little if she has any.

Q Has she made application to this Commission for enrollment as a citizen by blood or adoption? A By blood. But she said if they would not give her a right, she would like to have you give the children a right. I have got one sister, Eliza Robbins, and we can get proof to prove that Joshua Robbins was our daddy--

Q Where have you lived since you can first remember? A We lived up here on the Prairie.

Q In what district? A Geingsnake.

Q What name were you known by when you were small? A Charlotte Robbins.

Q Is that the only name you have ever gone by? A Yes sir, until I married, and then I went by the name of Charlotte Downing.

Q Have you been recognized by the Cherokee Nation as a citizen of the Cherokee Nation by blood? A Yes sir.

Q Have you drawn money from the Cherokee Nation? A No sir, we have not drawn any money, but they put us on the roll last Council here at Tahlequah, they put us on this roll here. Henry Crittenden put us on the roll, and they told mama she had her right by Cherokee blood.

Q Who is Henry Crittenden? A He lives up on the Prairie, his name is Henry Crittenden.

Q Is he related to you? A Some kin to my mother.

Q Were your father and mother married? A No sir, they were not lawfully married, but they lived together until he died.

Q Have you an elder sister? I am the eldest sister, I have one younger than I am.

Q After your father died to whom was your mother married? A She didn't marry anybody, she lived just a widow woman.

Q Did she go by the name of Emily Robbins after he died? A

A Yes sir, some called her that, she mostly goes by the name of Emily Crittenden.

Q Was she ever known by any other name besides those two names?

A No sir.

Q Where did she live when you were small, ab ut five years of age?

A Up on the Prairie, down on Barren Fork here.

Q In what district in the Cherokee Nation? A They said it was in the Territory, I don't know what the name of the place is. Tyner's Creek now we are living.

Q Did your mother ever go by any other name besides Crittenden and Robbins? A No sir.

Q Did she ever go by the name of Weaver? A That is her name, Emily Weaver. They found my name on the roll down at Muskogee, and my little girl's name is on there too, Peggy Whitmire.

Q Did your mother ever live iny any other district besides Going-snake? A No sir.

Q About how old was your father when he died? A I don't know just esactly how old he was. I was too small to know.

Q Do you know whether he was evermarried to any other woman besides living with your mother? A No sir.

Q Did he have some children by another woman? A No sir.

Q What is the name of your present husband? A Jim Downing.

Q What is he? A He is a Cherokee, Jim Downing is.

Q He is your present husband? A I am living with a man, a Mr. Newton.

Q What is his full name? A John Newton.

Q He is your present husband? A Yes sir.

Q When were you and he married? A The lat day of January.

Q The first day of January of this last year? A Yes sir.

Q You have been married about eight or ten months? A Yes sir.

Q What is your present husband, a white man? A Yes sir.

Q Your husband, Jim Downing, was a recognized citizen by blood of the Cherokee Nation? A Yes sir.

Q Did you have some children by him? A No sir.

Q Have you some children? A Yes sir.

Q What are their names? A Peggy Whitmire.

Q Have you just one? A No, Henry Bushyhead.

Q Were you married to the father of those children? A No sir.

Q Never lived with them? A No sir, never lived with but one a while.

Q Which one is that? A Bob Bushyhead.

Q Is that the father of Henry Bushyhead? A Yes sir.

Q What is he? A He is a Cherokee.

Q Cherokee by blood? A Yes sir.

Q Recognized as such? A Yes sir.

Q How long did you live togeter as husband and wife? A Didn't live together so long, I reckon about three or four months, and he just went off and left me.

Q No longer than that? A No sir.

Q You were not married to him? A No sir.

Q Have you lived with the father of Peggy Whitmire? A No sir.

Q Never lived with him at all? A No sir.

Q What is his name? A Ellis Whitmire.

Q What is he, a Cherokee by blood? A Yes sir.
 Q Does Whitmire recognized Peggy as his child? A He is not living
 He is dead, Ellis Whitmire is.
 Q Does Henry Bushyhead recognized Henry as his child? A Yes sir.
 Q Is he living? A Yes sir, he is living.
 Q Have you ever drawn any money from the Cherokee Nation at all?
 A No sir.
 Q You never have drawn any? A No sir.
 Q The Cherokee Nation never recognized you as a citizen by blood?
 A Yes sir, it always did say I was a Cherokee by blood, but I never
 did draw any money, they always did knock us out everytime they
 drew money.
 Q How long have you resided in the Cherokee Nation? A Born and
 raised here.
 Q When did you and James Downing begin living together? A I don't
 know.
 Q About how long ago? A I guess it has been a long time, I don't
 know just how long.
 Q You first said you were not married to him? A Yes sir, I was
 lawfully married to him, lawfully married now.
 Q Have you filed with the Commission your certificate of marriage
 to him? A Yes sir.
 Q How long did you and he live together? A We lived together
 pretty near a year, not quite a year, it was pretty near a year.
 Q Then you separated? A Yes sir.
 Q Did you leave him or did he leave you? A He left me.
 Q What was the cause of your separation? A Not anything at all, he
 just went off and told me he was going to his brother's, but he never
 came back any more until I got a letter from him.
 Q How long was the letter written after he left? A In about four
 weeks, I reckon, or three, after he left here, he wrote me a letter
 back, and he was not going to return any more. Nobody knows what is
 the cause.
 Q What cause did you give him for leaving? A Never gave him any
 cause, he just went off.
 Q Picked up and left without any trouble or anything? A Yes sir,
 never a cross word while we lived together.

MR. HASTINGS: When did Jim Downing die? A He has been dead about
 five years, I guess.
 Q Who married you and your present husband Newton? A Mr. Wright.
 Q Your present husband? A We got married right here in Tahlequah.
 Q The Clerk here married you? A Yes sir.
 Q Got out a license? A Yes sir.
 Q Married him last January or February? A Yes sir.
 Q What was James Downing's wife's name before he married you?
 A I don't know her name. He never had any lawful wife, but he was
 living with a woman out there.
 Q You knew that he was living with a woman and had some children
 A No sir, never did.
 Q Didn't you hear of it at all? A No sir, never heard of it until
 after I was married.
 Q You didn't hear of it? A He never had any children by her
 until afterwards.
 Q He had children by her? A Yes sir.
 Q You found out afterwards that he had been living with this woman?
 A Yes sir, I found it out afterwards, but I didn't know it at the
 time.
 Q Did you have any children at the time you married him? A No sir.
 Q You lived with Jim less than a year? A Just about a year, I
 guess.
 Q Where is the letter, let me see it, might find out the date of
 your separation at least. The letter is dated February 23, 1867.
 Was this letter written shortly after he left you? A Yes sir, I
 got the letter after he left me. 3.

Q A short time? A Yes sir.
 Q How old is Peggy Whitmire? A I don't know.
 Q Is she twenty years old? A No sir.
 Q Your best judgment. You are the mother and ought to know something about it. A I don't know how old she is.
 Q Is she a year old or forty, guess at it, your best judgment?
 A She is over five.
 Q About six? A Yes sir.
 Q How old is this Bushyhead? A He is three years old.
 Q You lived with Jim Downing less than a year? A Yes sir.
 Q Then did you live with this Bushyhead man a while? A Yes sir.
 Q How long did you live with him? A I didn't live with him long, just a little while, less than, about three months.
 Q You never had any children by Jim Downing? A No sir.
 Q Bushyhead was also married? A No sir.
 Q Didn't he have a wife before you lived with him? A No sir.
 Q No children? A No sir.
 Q You were never married to him? A No sir.
 Q Never married to Ellis Whitmire? A No sir, he got killed.
 Q You were never married to him? A No sir.
 Q Henry Downing was not a member of the Cherokee Legislature when he said he enrolled you, was he? A Henry Crittenden, I mean. Yes sir, he was down here in Council.
 Q He was not a member? A Yes sir, he was.
 Q You ought to be certain of that? A I think he was. Mother was down here. I was not down here, but mother was here, and Hen Crittenden, he was here in Council, but I don't know whether he was a member of the Council. He must have been though, he put her name on the roll

MR. HASTINGS: The representative of the Cherokee Nation desires now to call attention to the fact that the records of the Executive Department disclose that Henry Crittenden was never a member of either branch of the Cherokee National Council.

BY COMMISSION: What was the name of the first man with whom you ever lived? A Jim Downing was the first man I ever lived with.
 Q The first man that you ever lived with as husband and wife?
 A Yes sir.
 Q You never had any children before you began living with him?
 A No sir.
 Q How long did you know him before you began living with him?
 A About three years.
 Q About how old a man is he? A About a middle aged man.
 Q At that time? A Yes sir.
 Q Considerably older than you? A Yes sir.
 Q Had he been married before that? A No sir, not that I know of. They said he had another woman living with her, but I didn't know that at that time.
 Q Had another woman? A Yes sir, that is what they told me. And he went back out there and taught school, and they said the woman was there. That was after I married him.
 Q Before you married? A They said he was living with that woman before we were married, but I didn't know it.
 Q How long did they say he had been living with her?
 A Pretty near a year, they said, he lived out on Grand River, and we lived out here on Tyner's Creek in Going snake. I was around here about a month or maybe longer, stayed around out there, and he got acquainted with me out on Grand River, and we moved back in Going snake. He came up here and me and him got married, and they said he was not married, just living with this woman.
 Q He is said to have lived with her about a year? A Yes sir, that is what they said, but I didn't know it at that time, until we were married.

Q Were you married to him by a minister? A I was married to him, Mr. Wright married us.
 Q Was he a preacher? A No sir, he was Clerk.
 Q Clerk of Goingsnake District? A Yes sir.
 Q Did he give you a certificate? A Yes sir.
 Q You said a while ago you had filed that with the Commission?
 A I took it down to Muskogee and gave it to the Commissioners.
 Q You lived with James Downing about a year? A Yes sir.
 Q Your present husband is not a citizen of the Cherokee Nation at all? A No sir.

The copy of the 1880 authenticated roll of citizens of the Cherokee Nation formerly in possession of the representative of the Cherokee Nation, has been examined for Flint, Tahlequah and Goingsnake Districts, and neither the name of the applicant nor her mother can be identified of record thereon under any name as given.

SUSIE KIRK, being first duly sworn, and being examined, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Susie Kirk.
 Q How old are you? A Thirty-four or -five.
 Q What is your post office address? A Tahlequah.
 Q Are you a Cherokee? A Yes sir.
 Q Recognized citizen by blood of the Cherokee Nation? A Yes sir.
 Q Do you know the applicant in this case, Charlotte Downing?
 A Yes sir.
 Q How long have you known her? A I have known her about eighteen or twenty years.
 Q How old was she when you first learned to know her? A She was about eight or ten years old, I guess.

MR. HASTINGS: Are you her half sister? A No sir.

BY COMMISSION: What name was she known by when you knew her first?
 A Charlotte Robbins.
 Q What district in the Cherokee Nation was that you knew her in?
 A It was in Goingsnake District.
 Q Did she always go by that name? A Yes sir.
 Q Didn't go by any other name? A No sir.
 Q What was the name of the first man she lived with? A James Downing.
 Q Did you know her mother also, when this girl was small? A Yes sir.
 Q What was her mother's name then? A She went by the name of Emily Crittenden.
 Q Did she go by any other name before that that you know of?
 A Emily Weaver.
 Q Was there any other name she went by? A She went by the name of Emily Kirk.
 Q Was she known as Emily Kirk? A Yes sir, that is the way most of them call her name.
 Q Was that in Goingsnake District? A Yes sir.

MR. HASTINGS: She is the mother of Tom Kirk? A Yes sir.
 Q Did this woman's mother live in any other district than Goingsnake that you know of? A No sir, not that I know of.
 Q Has she lived in Goingsnake District all the time? A Yes sir.
 Q Did she live close to the line of any other district?
 A No sir, she lived up close to Cincinnati.
 Q Close to the Arkansas line? A Yes sir.

BY COMMISSION: Since that time has the mother of Charlotte Downing been known by any other name, since she went by the name of Robbins?

A No sir, not that I know of.

Q She is known at present by what name? A Emily Crittenden.

Q Are the names you have given the only names you know of that she ever went by? A Did she ever go by any other names besides those you have given? A Kirk and Weaver and Robbins, that is all I ever heard of.

Q This woman is at present married, is she? A Yes sir.

Q What is the name of her present husband, that she is living with now? A His name is Mr. Newton.

Q Is he a white man? A Yes sir.

Q How long has it been since he and she married?

A It has not been a year.

Q It has been six or eight months? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Charlotte Downing as a citizen by blood of the Cherokee Nation, Cherokee doubtful card field No. 1220; and also in the matter of the application for the enrollment of Peggy Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation, Cherokee Rejected card field No. 616.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 25th day of October, 1908.

John H. Patten
Notary Public.

mdg

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

SHOWING B-1210

Cherokee B-412.

ALLOWS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 20, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Charlotte Downing and her two minor children, Peggie Whitmire and Henry Bushyhead, as citizens of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary for further testimony to be introduced as to the identity on the Cherokee tribal roll and the citizenship of Josh Robbins, father of Charlotte Downing; also further testimony as to the identity and citizenship of Ellis Whitmire, father of Peggie Whitmire, and Bob Bushyhead, father of Henry Bushyhead.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire, in rebuttal of that offered by the applicant.

Respectfully,


Commissioner in Charge.

no 9

COMMISSIONERS
TAMS SIKBY,
THOMAS B. NEEDLES,
C. B. BRECKINRIDGE

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1220

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 12, 1904.

W. W. Hastings,

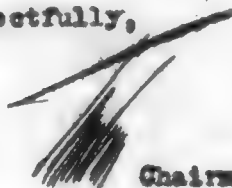
Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Charlotte Downing et al., as Cherokee citizens No. D-1220, which case was set for hearing before the Commission at Muskogee, on July 16, you are advised that in accordance with the applicant's request this case has been continued and the applicant has this day been advised that she will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday August 15, 1904, and introduce testimony as heretofore requested. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,



Chairman.

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FILED

DEC 24 1904

COMMISSION TO FIVE TRIBES.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T., November 15, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Charlotte Downing as a citizen by blood of the Cherokee Nation.

It appears that on the 29th day of September, 1904, the applicant, her attorney, and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskegee, Indian Territory on the 15th day of November, 1904, and then and there introduce testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant appears in person and by attorney,
R. H. Crouch.
Cherokee Nation by Attorney, W. W. Hastings.

CHARLOTTE NEWTON, being duly sworn testifies as follows:

BY R. H. CROUCH:

- Q What is your name? A Charlotte Newton
Q What is your husband's name? A John Newton.
Q Where do you live? A I live at Westville, Indian Territory
Q What is your age? A 14, I guess I am 14, I mean 36;
I am 36, as near as I can come at it.
Q When were you married to John Newton? A Three years ago.
Q Had you been married prior to that time? A Yes sir.
Q What was your first husband's name? A Jim Downing.
Q When did you marry Jim Downing? A It has been about 14
years, or 16, sixteen years I guess
Q Where did you marry him? A At Mr. Wright's, Jack Wright's,
Cherokee Nation, Indian Territory.
Q Was he a Cherokee Indian? A Yes, sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Who is your mother? A Emily Crittenden.
Q Are you a sister of Lottie Robbins? A Yes sir.
Q What is your father's name? A Josh Robbins.
Q Is he living? A No sir.
Q Are you a sister of Rachel Woodall? A Yes sir.
Q Full sister or half sister? A Half sister.
Q Now I will ask you of your father, Josh Robbins, was a Cherokee
Indian? A Yes sir.
Q How long has he been dead? A Well, I could not just tell
you that, Mr. Crouch, how long he has been dead.
Q Do you know how old you were when he died? A Well, I guess
I was about five or six years old when he died.
Q You have lived here in the Cherokee Nation all your life?
A Yes sir.

Cherokee D-1220, Charlotte Downing--2-

BY W. W. HASTINGS:

- Q You are not a full sister of Rachel Woodall? A No sir.
- Q You have a different mother? A No, sir, same mother
- Q But different father? A Yes sir.
- Q What was Rachel Woodall's father's name? A I don't just know what his name was, but he was a Woodall.
- Q You are a full sister of Lottie Robbins? A Yes, sir.
- Q Same father and same mother? A Yes, sir.
- Q What relation to you is Balleto Weaver? A Half sister, have same mother.
- Q Your mother, Emily Weaver, was a slave before the war was she?
- A Yes sir, that's what they say she was.
- Q And there never was any proof of any marriage between your alleged father and your mother?
- A No sir, only under Cherokee rules.
- Q They never were married? A No sir.
- Q You never did, at any time, succeed in getting on any Cherokee rolls except as the wife of your former husband, Downing, did you? A No sir, I didn't try to get on the rolls by marriage with my husband at all. I tried for a Cherokee right when I come to Muskogee, and that time that you all was at that place, Gibson.
- Q But you never were on any Cherokee Roll before 1896?
- A I don't know whether we was on the roll or not, but they said we was on the roll.
- Q But if you were on the roll you never knew it?
- A That was what they told mother.
- Q You and your mother and your family have always been applicants for Cherokee citizenship, haven't you?
- A Yes, sir, we have tried for a Cherokee right.
- Q And the Cherokee Council never would admit you, would it?
- A Yes sir, they said it did.
- Q But you have got no record showing the fact that the Council ever admitted you, have you? A No sir.
- Q You say your former husband's name was Jim Downing? A Yes sir
- Q Is Jim Downing dead? A Yes sir.
- Q When did he die? A He has been dead a good while, I could not just tell you right at this time how long, but he has been dead a good while.
- Q About how long? A I guess about five or six years
- Q He was living then, when you were placed on this 1896 roll?
- A No sir, he has been dead longer than that.
- Q That was eight years ago, and you said he had been dead five or six years, is that right?
- A I don't know just how long he has been dead.
- Q Well, now, what is your best judgment as to how long he has been dead? A I don't know how long he has been dead
- Q And you married this man Newton about three years ago?
- A Yes sir.
- Q Before that you were the widow of Jim Downing, a Cherokee?
- A Yes sir.
- Q You never did draw any Cherokee money? A No sir.
- Q And yet you say you have lived in the Cherokee Nation all your life? A Yes sir/.

Cherokee D-1220, Charlotte Downing--- 3--

Q Now there was a payment in '78, another in '80, there's another in '83, another in '86, and another in '90 and another in '94, and yet you admit that through all of these payments you were not recognized as a citizen, and not permitted to draw money, were you?

A No sir, we never drew any money. We could not draw any, could we, unless we were on the roll?

Q You were trying for a right all this time, and they never did admit you, did they? A No sir.

BY R. H. CROUCH:

Q Mrs. Newton, how long did you live with Jim Downing, as well as you can remember? A I lived with him a year, I think a year and a half, the best that I can tell.

Q Did you separate? A Yes sir.

Q How long after you separated, as well as you remember, until he died? A Well, I can't just give it to you how long.

Q Now, from the time you separated until he died, as well as you can remember? A Well, now, from the time we separated, he went out west, and he was gone, I guess, about five or six years when I heard he was dead, as well as I can remember.

Q Then you didn't know just when he died? A No sir.

BY COMMISSION:

Q Is your mother living? A Yes sir.

Q She has been enrolled by the Commission, has she, or do you know? A Not as I know of, she has been before them, but I don't think she has ever been enrolled.

Q Is your father living? A No sir.

Q You say your father's name was Josh Robbins? A Yes sir.

Q How long has he been dead? A Well, I just couldn't tell you how long my father's been dead.

Q About how long? A I couldn't tell you that; I was small; I don't remember him.

Q Can you remember him at all? A No sir.

Q Your mother has told you that Josh Robbins was your father? A Yes sir.

Q Where were you born? A I was born on the prairie; Indian Territory, close to Westville.

Q What Nation is that? A Indian Territory, Cherokee Nation.

Q Do you know where your father lived during his life time?

A Yes sir, he lived right close to Westville, in Indian Territory.

Q Do you know what district that is in? A No sir, but it is in the Indian Territory, Cherokee Nation.

Q Do you know whether or not it is in the Geingsnake District?

A I don't know. Yes sir, it is in the Nation.

Q Do you know what age your father would be if he was living?

A No sir.

Q You don't know? A No sir.

Q You don't know what age man he was when you were born? A No sir.

Q Who told you he was a Cherokee Indian? A My mother told me.

Q Your mother? A Yes sir.

Q Has your mother testified for you in this case? A No sir. I testify for myself.

Q Has your mother ever been here in your behalf? A Yes sir, she is here now.

Cherokee D-1220, Charlotte Newton -4-

EMILY CRITTENDEN, having been duly sworn, testifies as follows:

BY H. H. CROUCH:

- Q What is your name? A My name is Emily Crittenden.
- Q How old are you? A Eighty-six years old.
- Q Where do you live? A On Pinar's Creek in Goingsnake District.
- Q Is that in the Cherokee Nation? A Yes sir.
- Q Are you acquainted with Charlotte Newton? A Yes, sir. She's my daughter.
- Q With Lottie Robbins and Rachel Woodall? A Yes, sir.
- Q I will ask you if you are the mother of these three parties? A Yes sir.
- Q How old is Charlotte Newton? A She is about 20 or 22.
- Q Mrs. Crittenden, where were you born? A In the Cherokee Nation, Flint District.
- Q What was your mother's name? A My mother's name was Nellie Kelly, after she was married.
- Q Was she a Cherokee? A She was not a full blood Cherokee, she had some Cherokee blood in her.
- Q What was your father's name? A My father's name was Lewis Crittenden.
- Q Was he a Cherokee Indian? A Yes, sir.
- Q Was your mother a slave before the war? A Yes sir, she was.
- Q Were you a slave before the war? A Yes sir.
- Q To whom did you belong, who was your mistress at first? A Carrie Wright.
- Q She was a Cherokee? A Yes sir, she was a Cherokee.
- Q Did you belong to her until the close of the war; at the time the slaves were freed? A No sir, she was dead, and Phillips married a woman by the name of Sidney Crittenden.
- Q Was she a Cherokee? A Yes sir.
- Q And you belonged to them up until the close of the war? A Yes sir.
- Q You have always lived here in the Cherokee Nation, have you? A Yes sir.
- Q Who is Rachel Woodall's father? A His name was George Woodall.
- Q Was he an Indian? A Yes sir. He wasn't a full blood Indian; he was half.
- Q When was Rachel Woodall born, relative to the Civil war. A She was born the fall after peace was made.
- Q Who is Charlotte Newton's father? A Josh Robbins.
- Q And who is Lottie Robbins' father? A Josh Robbins.
- Q Then these two last have the same father? A Yes sir.
- Q Now I will ask you if you were married to Josh Robbins? A No sir, not legally married.
- Q When did you begin living with Josh Robbins? A The year after peace was made.
- Q Did you and Josh Robbins live together as husband and wife? A Yes sir.
- Q How long did you continue to live together? A We lived together about four years.

Cherokee D-1280, Charlotte Downing -6-

- Q Where did you live during this time? A We lived right close to Westville, on that prairie close to Westville, where Moses Alberty's son lived, I can't remember that man's name now-- Thomas lived there. Lived on Aunt Liddy's place.
- Q Have you ever lived with any one else since you lived with Josh Robbins? A No sir.

BY W. W. HASTINGS:

- Q You lived with Josh Robbins during the war didn't you?
- A No sir, not till after the war, after peace was made.
- Q How didn't you testify in this case, at Vinita, on January 23, 1903, that--A I said Joe Weaver; I lived in time of the war with Joe Weaver.
- Q You never was married to Josh Robbins? A No sir.
- Q Never was married to Joe Weaver? A No sir, just lived with him.
- Q When did Josh Robbins die? A I don't know when he died; He died about--
- Q How long after the war? A He died seven years after the war.
- Q Then he died about '72 or '73, is that right?
- A Yes sir, I guess that's right.
- Q Where did he die? A On that prairie up where Aunt Liddy lived.
- Q Near Westville, in Goingsnake District? A Yes sir.
- Q How old was Charlotte when he died? A Going on four years old.
- Q Were you and Josh Robbins living together when he died?
- A Yes sir.
- Q Didn't he quit you? A No sir.
- Q When did he commence living with you, before the war closed?
- A No sir, just about the time the war closed.
- Q Before the Treaty? A Yes sir.
- Q You have been an applicant for citizenship in the Cherokee Nation ever since the war? A Yes sir, I was born and raised here, and in that war when we all went north, I went out. I was grown.
- Q Went north then? A West-- or we went towards Texas.
- Q Didn't you go east? A (No response)
- Q Who went? A Old man Phillips and all of us.
- Q Is any of old man Phillips' family living now?
- A Yeah Wisenbunt's wife is living now.
- Q Where does she live? A She lives at Vinita, out here.
- Q You didn't call her when you were at Vinita, did you?
- A No sir, I didn't think about it.
- Q You were never married to Josh Robbins.
- A No sir, I never was married to Josh Robbins.
- Q You have been trying for admission ever since the war, and they never would admit you, would they? A They told me they would admit me.
- Q But you never got any certificate did you? A No sir, they told me they would admit me.
- Q They never did admit you, did they? A Mr. Crittenden told me he put me and my children on the roll.
- Q But they can't find you, can they? A No sir.
- Q Now, this man Josh Robbins died about seven years after the war? A Yes sir, about that long.
- Q Do you know Moses Phillips at Westville? A Yes sir.
- Q Was he any relation to the rest of the Phillips's?
- A Yes sir, he was old lady Phillips's sister's son.
- Q Now, where did you go in time of the war. Did you go north

Cherokee Freedman D-1220, Charlotte Downing 6

or south or east or west? A We went out, --- north I reckon.

BY MR. OROUCH:

Q Tell him what point, - where did you go to.

A We went out on Red River, towards Texas.

BY MR. HASTINGS:

Q You don't know whether that was north, south, east or west?

A Went south, that's what they called it.

Q When you came back, where did you come to.

A We came on that prairie, out towards Westville, where old Aunt Liddy Quentin lived. I lived with her.

Q What year is this? A I couldn't tell you.

Q You don't know any years? A No sir, don't know any years at all.

Q Never did know any? A No sir.

Q How many people did you live with, and are you the mother of children by?

A I never lived with anybody but Joe Weaver and Josh Robbins

Q Never was married to either of them? A No sir.

Q Was Josh Robbins ever married before he lived with you?

A No, sir.

Q Did he ever marry anybody after he lived with you?

A Why no sir, he died, He died while he was living with me.

BY COMMISSION:

Q Where did Josh Robbins live when you first got acquainted with him? A He lived in the Cherokee Nation. He was born and raised here

Q In what place? A On Barren Fork

Q What District is that in? A In Goingsnake District

Q How long has Josh Robbins been dead? A I don't know, about seven or eight years. About seven or eight years after the war.

Q Where did he die? A He died up close to Westville.

Q You say it was about 1872 when he died? A Well, I don't know.

Q Did he die prior to the making of the 1860 Roll?

A Why, I don't know.

BY MR. HASTINGS:

Q Now, Auntie, this witness that was on the stand before, testified that Josh Robbins died when she was so young that she cannot remember her father, is that correct? A Yes, sir, that is correct.

Q How this witness gives her age as 35 or 36 years?

A Yes sir.

Q Now if that be true, Josh Robbins must have died something like thirty years ago? A Well, you are right, Mr. Hastings.

Q Then you mean to say that Josh Robbins died about seven or eight years after the war, or about 28 or 30 years ago?

A Yes sir, you are right, Mr. Hastings, that is what I meant.

RACHEL WOODALL, being duly sworn, testifies as follows:

BY R. H. OROUCH:

Q What is your name? A Rachel Woodall

Q How old are you? A 36

Q Where do you live? A In Goingsnake, Indian Territory.

Q Is that in the Cherokee Nation? A In the Cherokee Nation.

- Q Do you live near where Emily Crittenden lives? A Live with Emily Crittenden.
- Q Are you acquainted with Charlotte Newton? A Yes, sir.
- Q Are you acquainted with Lottie Robbins? A Yes sir.
- Q How long have you known them? A All my life.
- Q Are you related to them? A Half sister.
- Q Do you know their father? A Yes sir.
- Q What was his name? A Josh Robbins.
- Q How long did you know Josh Robbins? A Ever since I can remember.
- Q Do you know when Josh Robbins died? A I remember when he died, but I don't remember the year when he died.
- Q With reference to the close of the war, how long was it after the war closed; how old were you, or about how old, when Josh Robbins died? A I reckon I was about sixteen.
- Q About 16? Were you that old? A No sir, I guess not, I made a mistake, I reckon I was about 13 or 14 years old when he died.
- Q Did he and your mother, Emily Crittenden, live together as husband and wife? A Yes sir.
- Q Were they living together as husband and wife when Charlotte and Lottie were born? A Yes sir.
- Q Did Josh Robbins claim them as his children? A Yes sir.
- Q What was your father's name? A George Woodall.
- Q Did you ever see him? A Yes sir.
- Q You remember him? A Yes sir.
- Q Where did he live? A Down on the prairie close to Westville.
- Q Did he and your mother live together as husband and wife? A Yes sir.
- Q They lived together about two years, I reckon.
- Q Was this during the war that they lived together? A Yes sir.
- Q Do you know Israel Crittenden? A Yes sir.
- Q What relation are you to Israel Crittenden? A He is my uncle.
- Q What relation is Israel Crittenden to your mother? A He is her half brother.
- Q Is Israel Crittenden's father and your mother's father is the same person? A Yes sir.
- Q What was his name? A Lewis Crittenden.
- Q Do you know whether he was an Indian? A Yes sir, we was always told that he was an Indian.

BY MR. HASTINGS:

- Q Now you are only testifying about that you have been told about the citizenship of these people, you were too young to remember yourself, now, weren't you.
- A Well, sir, I was told by my mother.
- Q Then all you know about these people is what you have been told? A Yes sir, I know my father, I remember him.
- Q You got your Cherokee blood through your father? A Yes sir, and through my mother too.
- Q Your mother has never been recognized as a Cherokee citizen?
- A Well, she was told that she was recognized.
- Q Were you present when she was told that? A No sir, but Henry Crittenden came home and told my sister.
- Q You were not present at that time? A No sir.

Now comes the representative of the Cherokee Nation and moves to strike out this hearsay testimony and requests the Commission to instruct the witness to testify only to things that she knows of her own personal knowledge.

- Q Now you know that your mother has been down to the National Council practically for the last 30 years trying to be admitted to citizenship in the Cherokee Nation, and that she has never been admitted, don't you?
- A Yes sir.

Charlotte D-1233-Charlotte Downing-3-

- Q You know that she has tried to get on every pay roll that has ever been made since the war, and she never has been put on, has she?
- A Yes sir.
- Q Did your father live with your mother until his death?
- A She told me that she lived with him two years.
- Q She lived with him two years? A Why that is what she told me.
- Q You don't know then? A No sir.
- Q You don't know anything of what you testify except what you have been told, do you?
- A Well, I remember seeing him, my father.
- Q When you were two years old? A (No response)
- Q Now do you mean to say that your father and mother lived together two years, and during that time you were born and he died and still you remember your father? A (No response)
- Q You must be mistaken about that, are you not, Mrs. Woodall?
- A Well, I will take that back Mr. Hastings, I guess I don't remember that.
- Q Well, do you remember seeing Josh Robbins?
- A Yes sir I remember seeing him.
- Q Do you know about how long after the war Josh Robbins died?
- A No sir.
- Q Your mother was never married to Josh Robbins was she?
- A No sir.
- Q Did Josh Robbins ever have any other wife besides your mother?
- A No sir.
- Q And Josh Robbins died a few years after the war? A Yes sir
- Q Do you think as much as seven years after the war?
- A About seven years I reckon.
- Q Now all this that you have talked about, about the citizenship of these people is what has been told you by your mother? Is that correct? A Yes sir.
- BY COMMISSION
- Q Do you remember your own father at all, Mrs. Woodall?
- A No sir.
- Q But you can remember Josh Robbins? A Yes sir.
- Q You think he died a few years after the war? A Yes sir.
- Q You were quite small when he died, were you? A Yes sir, I was tolerable small.
- Q Where did Josh Robbins die? A Right there about a mile from where Westville is now.

LEWIS WEAVER, being duly sworn testifies as follows:

BY H. E. CROUCH:

- Q What is your name? A Lewis Weaver.
- Q Are you sometimes called Bullette Weaver? A Yes sir.
- Q How old are you? A Born in '51 or '2 or '3, I don't know which.
- Q You know you are about 52 or 53 years old? A Yes sir.
- Q Where do you live? A In Goingsnake District.
- Q Is that in the Cherokee Nation? A Yes sir.
- Q Are you acquainted with Lettie Robbins, Charlotte Newton and Rachel Woodall? A Yes sir, they are my sisters
- Q Are they full sisters of yours? A No sir, only half sisters
- Q Are you a son of Emily Crittendon? A Yes sir.
- Q Well, was you acquainted with the father of Charlotte Newton and Lettie Robbins. A Yes sir.
- Q Who was he? A Josh Robbins.
- Q How long did Josh Robbins and your mother live together?

Cherokee D-1220, Charlotte Downing-9

- A They lived together three or four or five years. About five years I reckon.
- Q About when did they commence living together?
- A After she came back to the Nation, I don't remember how long it has been.
- Q How long after the surrender, after the close of the war?
- A Well, it was about a year, I suppose, or two, I don't know which. I was small.
- Q How long did they continue to live together? A How long?
- Q Yes? A How long you say they lived together?
- Q Yes, Josh Robbins and your mother? A Why four or five years, until he died.
- Q During the time they lived together were these two children, Charlotte and Lottie, born? A Yes sir.
- Q You lived there with them? A Yes sir.
- Q Did Josh Robbins claim these children as his children?
- A Yes sir.
- Q Was he a Cherokee Indian? A Yes sir.
- Q Do you remember when Rachel Woodall was born? A She was born the year peace was made I believe.
- Q Do you know who was her father? A No, I don't know, only just what they said.
- Q Who did they say was her father? A They said Woodall.
- Q Which Woodall? A I don't know his name.
- Q Did your mother and this man Woodall live together as man and wife before that? A I don't know.
- Q Was Woodall a Cherokee Indian? A I don't know that, either.
- Q Now, Bullette, from the time that your mother and Josh Robbins commenced living together as man and wife, did they live together until his death? A Yes sir.
- Q Did you live with them? A Yes, sir, I lived there with them.
- Q Now Bullette, were you a slave before the war? A Yes sir.
- Q To whom did you belong? A Lige Phillips.
- Q What was Lige's wife's name? A Sidney Phillips.
- Q Were they Indians? A The woman was, the old man was a white man.

BY MR. KASTINGS:

- Q How many children was your mother the mother of? A How many?
- Q Yes sir? A Blamed if I know, five or six or seven.
- Q Do you mean to tell the Commission that you don't know?
- A No sir, I don't mean to tell them I don't know.
- Q That's what I am asking you now, then?
- A Well she's got eight I believe living, or seven, I don't know which.
- Q How many dead? A Got one.
- Q How many children were born to her before the war? A How many?
- Q Yes, how many? A There were three or four of us, four, Kant and Tom and Mary and me.
- Q Now how many were born since the war? A How many? three, I believe.
- Q What were their names? A Charlotte and Lottie Robbins and Sam.
- Q What's Sam's name, what name does he go by? A I couldn't tell you that, He is dead.
- Q Was he older or younger than Charlotte? A Younger.
- Q What name did he go by, his surname? A Sam King.
- Q Did you say he was younger than Charlotte? A Yes, he was younger than Lottie. Lottie is the youngest of the girls.
- Q Now your mother never was married to the father of any of these children? A Not that I know of.
- Q Now, your mother has been an applicant for citizenship ever since the war, and they never have enrolled her, have they?
- A Well, they told her she was all right on the rolls.

Cherokee D-1220 Charlotte Downing-10

- Q Well, you know she never drew any money in any of the payments, don't you? A Yes sir.
- Q You know that Charlotte and Lottie never drew any money, don't you? A Yes sir.
- Q You know that they have been applicants before the Councils and that they have gone to Council after Council, and that they have never got any certificate of admission, don't you?
- A No sir.
- Q How long did your mother live with the father of Sam?
- A How long? I don't know.
- Q Did she ever live with him? A I couldn't tell you that, that is something I don't know anything about. I can't tell you about nothing I don't know nothing about.
- Q How long did she live with Josh Robbins? A Well, she lived with him five years, four or five years.
- Q Begun when? A I could not tell you that.
- Q Nor you can't tell when Josh Robbins died? A No sir, I can't, but I know they lived together, because I lived there with them.
- Q Did she ever live with a man by the name of Woodall? A I told you awhile ago that I could not tell you that. I can't tell you unless I knew.
- Q I am trying to find out what you know? A Well ask me something that I know and I will tell you.
- Q Well, you don't know what year Josh Robbins died?

BY COMMISSION:

- Q You never knew Woodall, the reputed father of your half sister, Rachel? A Well, I have seen a man that they said was her a father.
- Q Is that man dead? A Well, I couldn't tell you that, they say he's dead.
- Q How old were you when Rachel was born? A How old was I, I couldn't tell you that, I was about 10 or 12 years old I reckon.
- Q Then you ought to know whether your mother lived with a man by the name of Woodall? A There was one staying there; I don't know whether she lived with him or not.
- Q Well, you say you saw him there? A Yes sir, I seen him there.
- Q You don't know whether he was an Indian or not? A No sir, I don't know.
- Q Do you know whether Josh Robbins was an Indian or not?
- A Yes sir.
- Q He was an Indian, was he? A Yes sir, he was.
- Q Cherokee? A Yes sir.
- Q Who told you that? A Well, his granny, old Aunt Liddy Quantin, and his father, Levi Robbins, they was Indians.
- Q Rachel was born, you say, the year peace was made? A Yes sir.
- Q You have been enrolled by this Commission, have you Mr. Weaver?
- A I don't know, I went there, I don't know whether they put me on or not.
- Q Have you been notified by the Commission that you have been enrolled? A Not that I know of.

ISRAEL CRITTENDEN, being duly sworn testifies as follows:

BY R. M. GREGG:

- Q What is your name? A Israel Crittenden.

Cherokee D-1280, Charlotte Downing-11

- Q How old are you? A I don't know. I don't know my age.
- Q About how old? A About, somewhere up in 80 or 60, somewhere along there, as near as I can tell.
- Q Where do you live? A Live near Westville, Indian Territory.
- Q Are you acquainted with Charlotte Newton? A Yes sir, a little acquainted.
- Q How long have you known her? A Well, I couldn't tell long.
- Q Well, have you known her all her life? A About all her life.
- Q Do you know Lottie Robbins? A Yes sir.
- Q How long have you known her? A I have known her about the same as I have known Charlotte.
- Q Do you know Rachel Woodall? A Yes sir, I have known her about all her life.
- Q Do you know Emily Weaver? A Yes sir.
- Q How long have you known her? A Ever since the war, and I got a little acquainted with her in time of the war, about the last of the war; about two years before the surrender.
- Q Are you related, kin, to Emily Crittenden? A Well, I guess I am, because the old folks always said that my father and her father was the same. Different mother.
- Q They always told you then, that you was a half brother to Emily Crittenden? A Yes sir.
- Q Is she commonly known as Emily Crittenden? A Yes sir.
- Q Do you know Josh Robbins? A Yes sir, I got acquainted with him in Polk County, Arkansas.
- Q When was that? A That was during the war, and then after the war he came on out to the Territory.
- Q Did you know him then in the Cherokee Nation after you came back to the Cherokee Nation? A Yes sir.
- Q What time did you come back, as well as you remember?
- A Well, it was near about two years I reckon, before I got back.
- Q Do you mean two years after the close of the war? A Yes sir.
- Q Well, now, I will ask you if you know whether Emily Crittenden or Emily Weaver, and Josh Robbins were living together as man and wife, when you came back to the Cherokee Nation from Polk County, Arkansas, after the war?
- Q Yes sir, they lived that way.
- Q Where did they live? A They lived out south side of where Westville is now.
- Q Is that in the Cherokee Nation? A Yes sir.
- Q What district is it in? A Coingsnake.
- Q How long did they live together that way? A They lived together until he died.
- Q Did they live in a house together, away from any one else, with their children? A They lived with my Aunt.
- Q Who was your aunt? A Liddy Quantin.
- Q Did they live in the house with her, or did they have a house to themselves? A Well, as well as I recollect, they all stayed together, but I wasn't there all the time.
- Q During this time, do you know, whether Charlotte Newton and Lottie Robbins were born? A Yes sir.
- Q Do you know whether Josh Robbins claimed them as his children or not? A No sir, I don't, I never did hear him myself.
- Q They have went by the name of Robbins, have they, ever since?
- A Yes sir.
- Q And they have lived here in the Cherokee Nation all the time?
- A Yes sir.
- Q You have lived here ever since? A Yes sir, I have been in the Nation all the time.
- Q Are you a Cherokee Indian yourself? A Yes, sir.

Cherokee D-1220 Charlotte Downing-12-

- Q Where do you get your Cherokee blood, from your father?
A From my father and mother both.
Q And you say that they told you that your father was the father of Emily Crittenden? A Yes, sir.

BY MR. HASTINGS:

- Q How far did you live from where Westville now is, when Emily Weaver and Josh Robbins stayed over there at Aunt Liddy Quentin's?
A About three miles.
Q Did you live that near all the time? A Yes sir, and I was there a heap.
Q Who did you live with? A Old man Joel Kelly.
Q He is not living now? A No sir.
Q You don't know who is the father of Emily Weaver, she is older than you? A Yes sir, a right smart older than I am.
Q She was a slave before the war? A I don't know.
Q You never heard that, now do you mean to tell the Commission that you never heard that?
A I never heard how it was, who she was a slave of.
Q Well, why did you say you never heard it?
A I did not understand the way it was asked.
Q And her mother was a slave, wasn't she? A Yes sir.
Q Now, you know that Emily Weaver and Charlotte Newton and Lottie Robbins have been trying ever since the war to be admitted by the Cherokee Council, and they have refused, haven't they? A I don't know whether they have been refused or not. They have always claimed.
Q But you know they have never been recognized? A I don't know as they have been recognized.
Q Don't you know that they have not been recognized?
A I couldn't say that I know they was not.
Q Why can't you say that? A Because I don't recollect, like a heap of people.
Q Then how can you recollect about Josh Robbins's citizenship when you never knew him but a few years after the war, when you have known this woman and these children ever since the war, why can't you tell on one side if you can on the other?
A (No response)
Q You don't know, do you? A I don't know positive that they were.
Q You don't know positively that Josh Robbins was recognized do you, his name is not on any roll? A Yes, I know he was.
Q How do you know it? A Well, the people told it, and then his own father was.
Q How you never saw his father did you? A Yes, I have seen his father.
Q How what roll was Josh Robbins on, and how do you know that he was ever recognized? A I don't know what roll he was on.
Q How do you know that he was ever recognized? A Well, I know by his old grandmother and his father, I have heard him talk, and he claimed him.

Cherokee B-1220-Charlotte Downing 13-

- Q Now, when did you ever hear him claim him, and where?
Q Well, at Quantins.
Q When? A I cannot tell you how long it has been.
Q Ten years ago? A I don't know how long it has been.
Q You don't know when you heard this talk, do you? A No sir
Q Were you ever a witness down at the Cherokee Councils for these people? A No, sir.
Q You never went down there for them? A No sir.
Q You never appeared for them as a witness before? A No sir
Q You never saw this woman and the father of Rachel Woodall living together did you? A No, sir.
Q Do you know who the reputed father of Rachel Woodall is?
A No, sir.
Q When did he die? A Well, I don't know when he died.
Q Well, he did not die until a long time after Josh Robbins died did he? A No.
Q Do you mean to say that the father of Rachel Woodall died after Josh Robbins died? A Yes, sir.
Q Were Emily Weaver and Josh Robbins ever married?
A No, not only under the old Cherokee law.
Q You know they never were married, don't you?
A Yes, I know they never was married.
Q And you never did know of them living together as husband and wife, in a separate house, do you? A They lived together, I don't know if they lived in a separate house.
Q They never lived in a separate house. They both stayed up at old Liddy Quantin's, didn't they? A Yes sir.

BY COMMISSION:

- Q Israel, who was said to be the father of Rachel Woodall?
A I believe they called his name George Woodall.
Q You think it was George Woodall? A Yes sir, George.
Q When did he die? A I cannot tell how long it has been
Q Well, fifteen years ago? A Been about nine or ten years ago, I reckon.
Q Do you know whether or not he was a recognized Cherokee?
A He claimed to be part Cherokee.
Q Where did he live? A Why, when he died, I don't know where he lived, he had left there and come out in the Creek Nation.
Q Where did he live when Rachel was born? A Part of the time in Polk County, and then he come out to the Cherokee Nation
Q What district did he live in? A Goingsnake.
Q Was that where Josh Robbins lived? A Yes sir.
Q Do you know whether or not this Woodall was a Cherokee, of your own knowledge? A I couldn't hardly say, but the people said that knew him better than I did, because I was just a kid like.
Q Did they say he was a Cherokee? A Yes sir.
Q Did this man Woodall ever marry any one else? A He was married afterward; after he came out in here I think to, a Creek woman.
Q When did you first know Emily Crittenden, or Emily Weaver?
A First knew her in Polk County.
Q Polk County, Arkansas? A Yes, sir.
Q After the war? A In time of the war, before the war closed.
Q She never was legally married to anyone was she?
A No, just under the old Cherokee laws, like they used to.
Q Do you know Bullette Weaver? A Yes sir.
Q He is a son of Emily is he? A Yes, sir.
Q These people have always been considered Freedmen by the Cherokee people haven't they, Colored people?
A Ever since the surrender, I suppose.

Cherokee D-1220- Charlotte Downing-14-

BY MR. HASTINGS:

- Q Did you ever know of Emily Weaver living with the father of Rachel Woodall as husband and wife? A No, I never knew it.
- Q Did you say you knew Josh Robbins in Polk County, Arkansas? A Yes sir.
- Q And he came back here about two years after the war? A Yes sir.
- Q You never heard of this woman living as husband and wife with Rachel Woodall's father, did you? A No, sir.

The attorney for the applicants asks that copy of the testimony this day taken in this case, be filed with and made a part of the record in the case of Lottie Robbins, Cherokee D-2901, and Rachel Woodall, Cherokee D-2443

-o-o-o-o-o-o-o-o-o-

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the above case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes therein.

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this
30 day of November, 1904.

(Signed) Chas. H. Sawyer
Notary Public.

(S E A L)

Lucy M. Bowman, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of her original transcript in the above entitled case.

Lucy M. Bowman

Subscribed and sworn to before me this 21st day of December, 1904

Chas. H. Sawyer
Notary Public.

THE COMMISSION TO THE FIVE TRIBES
WASHINGTON, D. C.

FILED
DEC 24 1904
COMMISSION TO FIVE TRIBES

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DEC 24 1904
U. S. DEPT. OF THE INTERIOR

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and the same are to be used for the purpose of
the Commission to the Five Tribes
and the same are to be used for the purpose of
the Commission to the Five Tribes

[Handwritten signature]

Witnessed and sworn to by me
this 24 day of November, 1904.

Notary Public

Cherokee D-1220,

Department of the Interior,
Commission to the Five Civilized Tribes .
Washoe, D. C., November 16, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application
for the enrollment of Charlotte Downing, as a citizen
by blood of the Cherokee Nation.

APPEARANCES:

Applicant appears by attorney, R. H. Crouch
Cherokee Nation by W. W. Hastings.

ANTHONY CRITTENDEN, being duly sworn, testifies as follows:

BY COMMISSIONER:

- Q What is your name? A Anthony Crittenden.
Q How old are you Mr. Crittenden? A I am 88.
Q What is your postoffice address? A Hereford, Indian Territory.

BY R. H. CROUCH:

- Q Do you live in the Cherokee Nation? A I live in the Cherokee Nation, Canadian District.
Q Are you acquainted with Emily Weaver? A Yes, sir.
Q Are you acquainted with Rachel Woodall? A Yes, sir.
Q With Charlotte Downing and Lottie Robbins? A Yes, sir.
Q How long have you known them? A How long have I known them? I have known them all their lives, but then I haven't lived close to them.
Q Do you know Josh Robbins? A Yes, sir.
Q Did your mother and Josh Robbins live together as husband and wife at any time in your recollection? A Yes, sir, they did.
Q As well as you can remember, what time did they commence living together relative to the close of the war?
A It was after the war, but I don't just remember what time.
Q About how long? A About two years I think, I am not certain.
Q How long did they continue to live together? A Until he died.
Q Do you remember how long, or about how long? A No, sir I don't.
Q Was it as much as four or five years? A Must have been about five years.
Q Were Charlotte Downing and Lottie Robbins born to them while they were living together as man and wife? A Yes, sir.
Q Where did they live? A In Seingsmahe District.
Q Did they live by themselves, or with some one else? A Well they lived right there close to old Aunt Liddy Quintis.
Q Did they live in a house to themselves? A They lived in the house with her.
Q Did Josh Robbins claim those children as his children?
A Yes, sir.
Q The two, Lottie and Charlotte? A Yes, sir.
Q Do you know whether Josh Robbins was a Cherokee Indian or not?
A Yes, sir, he was a Cherokee Indian.
Q Do you know who his father was? A Yes, sir.
Q Who was his father? A Levi Robbins.
Q Are they any kin to Nellie Kelly? A Yes, sir Josh Robbins's mother was Nellie Kelly's sister.
Q Is Nellie Kelly alive now? A No, sir, or that is what they tell me.
Q Do you know whether or not she is a Cherokee Indian?
A I guess she is, she is an every roll that's ever been made, I reckon.
Q Do you know whether Josh Robbins is on any of the rolls or not?

- A I think he was.
 Q Are you a Cherokee Indian? A Well, I don't know, my father said I was. I don't know.
 Q What was your father's name? A Mass Grittenden.
 Q Is he living? A He died up here at Wagoner.
 Q Have you lived in the Cherokee Nation all your life? A Yes sir
 Q Were you ever a slave? A I was small when the war broke out and I don't hardly recollect.
 Q Don't know whether you were a slave or not? A I might have been, I cannot recollect back that far, and I'm not learned.
 Q Have you any education whatever? A No, sir.
 Q Ever went to school any? A No, sir
 Q Do you know the months of the year? A Yes, sir
 Q Do you know what year this is? A No, I don't know what year it is.
 Q Don't know whether it is 1000, or 2000, or 1900? A No, sir.
 Q You can remember when the war closed, can you?
 A Well, yes, sir, but mighty little about it.
 Q You are positive now, that you know Josh Robbins? A Yes, sir, I know him.
 Q And that your mother and Josh Robbins lived together, and that these children were born while they were living together, and that Josh Robbins claimed these children as his children?
 A Yes, sir

BY W. W. HASTINGS:

- Q You were quite a small boy when the war closed? A Yes, sir, tolerable small; I don't know my age.
 Q You claim now, not to know one year from another? A I aint got no learning.
 Q How far from the old lady Quentin's house was the house in which Josh Robbins and your mother resided? A Why, it was right there in the yard.
 Q They all lived together? A Yes, sir.
 Q In the same yard? A Yes, sir.
 Q They lived in the same house? A No, sir, there was two houses; two rooms.
 Q Yes, two rooms to the same house? A Two rooms, same house of course.
 Q You never knew of Josh Robbins being enrolled as a citizen did you? A He was enrolled.
 Q When? A Well, I can't tell you what year.
 Q Then you don't know, do you. A Well, not for certain, but he told me he was enrolled.
 Q When did he tell you? A Before he died.
 Q How did he come to tell you that? A He was just talking to me.
 Q When and where was he talking to you? A Right there, before he died; about a year before he died.
 Q Where? A Right there at home.
 Q What reason did he have for talking to you about that?
 A I don't know what reason; I couldn't tell you the reason.
 Q Well, how was the Roll question ever discussed? A He just got to talking about it.
 Q What roll was being made about that time? A I so didn't tell you.
 Q He died long before the '00 roll was made, didn't he
 A Yes, sir, he died before that.
 Q Now, your mother and these applicants whose names were mentioned to you this morning, have been applicants for citizenship ever since the war, haven't they?
 A Yes, yes, sir, I know that much.

- Q And you know that the Council had refused to admit them ever since the war, the Cherokee Council? A Yes, sir, I guess it has.
- Q You know that not a single one of them ever drew any Cherokee money, did they? A No, sir.
- Q And none of them ever got upon any roll except after she had married a recognized Cherokee, did they? A No, sir, I guess not.
- Q Now, did your mother ever live with the father of Rachel Woodall? A I don't remember about that.
- Q You don't remember that? A No, sir.
- Q When did her reputed father die? A What?
- Q Rachel Woodall's father? A I can't remember.
- Q Did he die before or after Josh Robbins died?
- A He died before; I know he died before, but I don't remember how long.
- Q Was that after your mother had begun to live with Josh Robbins?
- A I don't remember.
- Q Do you remember him at all? A What?
- Q The reputed father of Rachel Woodall? A Yes, sir, I remember him.
- Q Do you remember seeing him after the war? A No, sir I don't remember.
- Q You don't remember before the war much, do you?
- A I said I didn't remember much.
- Q You don't remember ever seeing the father of Rachel Woodall?
- A No, I never saw him.
- Q Your mother and Josh Robbins were never married, so far as you know? A No, sir.
- Q And Josh Robbins died four or five years after the war?
- A I can't tell you.
- Q Is that your best judgment? A I can't tell you.
- Q But so far as your best judgment? A Yes, sir, so far as I know.
- Q You claim Cherokee blood through your father, Moss Crittenton?
- A Yes, sir.
- Q And you are enrolled through your father, Moss Crittenton?
- A Yes, sir.

Lady M. Newman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings herein, and that the above and foregoing is a full and correct transcript of her stenographic notes thereof.

Lady M. Newman

Subscribed and sworn to before me
this 22 day of November, 1904.

JOSEPH R. RILEY

BEFORE THE HONORABLE, THE SECRETARY OF THE INTERIOR.

MEMORANDUM OF ARGUMENT.

In re application of Charlotte Newton and her children, Peggie Whitacre and Henry Bushyhead, Cherokee freedmen applicants, whose applications are of record in the consolidated case of Emily Weaver, et al., Cherokee freedmen applicants.

Now come Charlotte Newton, Peggie Whitacre and Henry Bushyhead, by their attorney, William F. Wright, of Washington, D. C., and respectfully show:

The decision of the Honorable Commissioner to the Five Civilized Tribes in the above entitled application should be reversed and the decision of the Honorable Commissioner of Indian Affairs, dated November 7, 1903, recommending the admission of the above named applicants as Cherokee freedmen be affirmed.

Considering the fact that the official decisions of record develop all of the facts in the above entitled application, it is not deemed necessary to digest any portions of the record or enter into a recapitulation of the authorities already cited. It is also that the rulings of the Department in the "Mary Crittendon" case, (I.T.D. 1484-1503), and the "Henry Bur" case, (I.T.D. 5041-1903), should be followed because they are on all points with the issues involved in the above entitled application and exercise authority for the settlement of the above named applicants as Cherokee freedmen.

The reference of the Honorable Commissioner to the Five Civilized Tribes to a former decision of the Commission in the "Mary Crittendon" case is certainly not in point or the basis of a sufficient reason for the

rejection of the above named applicants. The family relations of many of the applicants of record are not to be construed as sufficient, of itself, to bar them or their children of their rights, no matter how shocking such relationship may seem to the moral sense of the ordinary christian community. It is a matter of common knowledge, that these same relationships have been previously recognized among almost every tribe of Indians at some date in their history, but they were explained as "Indian marriages".

It is a fair assumption that the tradition, if not the example, still prevails in many of the Indian tribes and it would appear obvious unreasonable to punish these applicants for assuming a relationship which has, in the past, received tribal recognition.

However, it is clear that, although the illegitimacy of applicants may bar them from the right to be enrolled as Cherokees by blood, there is no law suggested tending to bar them from being enrolled as Cherokee freedmen but, on the contrary, the decisions of the Department in conformity with law leave no doubt as to their complete right of enrollment as Cherokee freedmen.

Wherefore, the premises considered, it is respectfully prayed that applicants may be ordered enrolled by the Honorable Secretary and that their applications be taken up for consideration at an early date, so that they may be in a position to have land allotted to them while it is possible to obtain a suitable selection.

Respectfully submitted,

Attorney for applicants.

AFFIDAVIT OF SERVICE.

City of Washington, }
District of Columbia. } SS.

William W. Wright, being first duly sworn, upon oath, deposes and says: He is the attorney for the applicants named in the foregoing and annexed Memorandum of Argument and that he served a true copy thereof upon the Cherokee Nation by mailing the same to Messrs. Hastings, Bell and Davenport, attorneys for the Cherokee Nation, directed to them at Muskogee, I. T., on the _____ day of May, 1906, all of which more fully appears from the official receipt of the postmaster hereto attached.

Subscribed and sworn to before me this _____ day of May, 1906.

Notary Public.

C.R.W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

D.C. 10337-1907.

I.T.D. 14654-1905.
3674-1907.

February 18, 1907.

L.R.S.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with an approved opinion of the Assistant Attorney-General dated February 15, 1907, in the matter of the Cherokee enrollment cases of Emily Weaver et al. and Mary Crittenden et al., you are directed to enroll Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Downing, Lottie Robbins, Peggy Whitmore, and Henry Bushyhead as citizens by blood of the Cherokee Nation. A copy of said opinion is inclosed. A copy of Indian Office letter of November 7, 1905, was sent you November 10, 1905.

The papers in the case and a carbon copy of said opinion, also hereof, have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

1 inc. and 19 to Ind. Of.

First Assistant Secretary

A.P.Mc
2-18-07

DEPARTMENT OF THE INTERIOR,

J.W.H.

I.T.D.
3698-1901.
10996-1906.

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.

WASHINGTON.

February 15, 1907.

The Secretary of the Interior.

Sir:

By reference of November 17, 1906, I am in receipt of the papers in the Cherokee enrolment cases of Emily Weaver et al. and Mary Crittenden et al., with request for my opinion thereon.

The Mary Crittenden case was the subject of departmental decision of November 20, 1903. Therein it was found that Mary Crittenden is the daughter of the said Emily Weaver; that the latter is a Cherokee freedman, and that, accordingly, the former should also be so classified and enrolled.

The Commissioner to the Five Civilized Tribes now decides adversely to the enrolment of Emily Weaver and her descendants as Cherokee freedmen. Although the Commissioner finds that Emily Weaver and her son Thomas Kirk were the slaves of a Cherokee citizen at the commencement of the war, he concludes that they did not return to and "establish a residence" in the Cherokee Nation by February 11, 1867.

On November 7, 1906, in a communication of some length

and after a detailed analysis of the testimony, the Indian Office recommended that the applicants in the Weaver case be all enrolled as freedmen, expressing at the same time the opinion that applicants Peggy Whitmire and Henry Bushyhead are also entitled to be enrolled as citizens by blood.

The testimony is to the effect that Emily Weaver is at least a half-blood Cherokee, born in the Cherokee Nation about 1841. Her father was a Cherokee; her mother was a slave, having, it is claimed, some Indian blood. Prior to the war she was carried by a Cherokee family, with the consent of the Cherokee family to which she belonged, out of the nation. Before and during the war she was held in servitude, both in Arkansas and the Choctaw Nation, by the family in whose custody she had been placed. Apparently this family carried her from Arkansas into the Choctaw Nation in 1863 and there held her until the close of the war. In the fall of 1866, according to the testimony of the applicants, Emily Weaver and her son started, with others, for the Cherokee country, arriving therein within the time fixed by the treaty of 1866.

In my opinion Emily Weaver, held as she was in restraint and servitude, never established or acquired a domicile beyond the limits of the Cherokee Nation. That has always been her home and her return thereto had no greater significance than the return of

any absentee to his home after a temporary absence. But even if it be true that in such cases the law places the same duty upon the applicants as it imposes in cases where, during the war, they voluntarily adopted other places than the Cherokee Nation as homes, still Emily Weaver and her descendants are entitled to enrolment. The Indian Office finds that the preponderance of evidence is to the effect that they returned to the Cherokee Nation in due time. I concur in this conclusion, which is corroborated by the fact that the national authorities themselves placed the name of Bullette or (Lewis) Weaver, son of Emily, upon the 1880 roll as an "adopted colored." They also enrolled her daughter, Rachel Woodall, on the 1880 roll of citizens by blood. Besides this, the Department found in said decision of November 20, 1903, which is evidently correct, that Emily's daughter, Mary Crittenden, was entitled to enrolment. It further appears that the names of all the applicants are borne upon the 1896 census roll of citizens by blood, except Henry Bushyhead, who was born after the making of said roll. While the applicants' showing appears thus, the rebuttal testimony is, in the main, negative in character.

Applicant Tom Kirk was born about 1860, to the said Emily Weaver, then a slave. Born in slavery, he should be enrolled and classified as a freedman. He also claims by intermarriage as husband of Susan Kirk, nee Tadpole, a full

Blood Cherokee, enrolled in 1880, to whom he was married under a Cherokee license in 1882, but no determination as to his right by reason thereof is considered necessary herein.

Applicants Charlotte Newton, formerly Downing, Lottie Robbins, Peggy Whitmire, and Henry Bushyhead are the children and grandchildren of the said Emily Weaver and are accordingly entitled to enrolment as Cherokee freedmen. They were, however, born in the Cherokee Nation to fathers who were Cherokees by blood, subsequent to the time when Emily Weaver was emancipated. From her alone they are entitled to be classed as Cherokees of the mixed blood. They have always resided in the nation, and, as noted above, all save the youngest, who was born in 1898, were enrolled in 1896 as citizens by blood. I see no "lack of right" to such enrolment or evidence that it was made without "authority of law," and, being prima facie correct, it should stand. See departmental decisions in the James Shirley and Mary Crittenden cases, dated, respectively, June 12 and November 20, 1903.

Charlotte Newton also claims enrolment by reason of intermarriage with J. M. Downing, a Cherokee by blood, to whom she was married in 1886, under the Cherokee law, but it is unnecessary to discuss herein what rights, if any, were acquired thereby.

The fact that certain of the applicants are of illegitimate descent does not effect their right to enrolment as citizens

by blood. That illegitimate children are included in the term "descendants," as used in the enrolment acts, is well settled by the decisions of the Department in the Nancy Ray and James Shirley cases and by the opinion of my predecessor in the Gerbray case, dated June 28, 1902.

Accordingly it is my opinion, concurring in the main with the views of the Indian Office, that Emily Weaver and Thomas Kirk should be enrolled as Cherokee freedmen, and that the other applicants should be enrolled as citizens by blood of the Cherokee Nation; also that the decision of the Department of November 20, 1903, in the Mary Crittenden case should not be disturbed.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: February 15, 1907.

R. A. Hitchcock
Secretary.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-1220
D-963 R-618

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 8, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that on February 12, 1907, the Secretary of the Interior directed the enrollment of Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Dewaing, Lettie Robbins, Peggy Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation.

For your information there is enclosed a copy of the Department's decision.

Respectfully,



Commissioner.

Enc. H-84

MH

1220 - Emily Weaver, mother of
Charlotte Downing may have
applied to Dawes Com in 1896.

CHEROKEE

1220

Charlotte D. Manning

REFUSED

Reversed
ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 18 1907

Cancelled and record
transferred to 10998

Cher D 1221

Cher D 1221

Cherokee by blood:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 13, 1901.

In the matter of the application of Mary Magdalene Chandler for the enrollment of herself and two children as citizens by blood of the Cherokee Nation; said Chandler being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Magdalene Chandler.
Q How old are you? A Well, sir, I don't know; my mother and a father died when I was small.
Q Well, about how old? A I guess I am about 21 or 2.
Q What is your post office address? A Muskogee.
Q Do you live in Muskogee? A No, sir, I don't live in Muskogee.
Q What district do you live in? A I guess it is about-
Q Do you know the name of the district? A No, sir, I don't know no, I couldn't try to tell for I don't know.
Q Do you apply to be enrolled as a Cherokee? A Yes, sir.
Q Who do you want to enroll besides yourself? A My two little children.
Q What are the names of your children? A George.
Q George Chandler? A Yes, sir.
Q How old is he? A Three.
Q What is the name of the next one? A Benjamin.
Q How old is Benjamin? A He is six months old.
Q What was your father's name? A Bill Hansen.
Q Is he living? A No, sir.
Q What is your mother's name? A Elizabeth.
Q Is she living? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir, it is on all of them.
Q Be on by your maiden name? A Yes, sir.
Q Mary Hansen? A Yes, sir, that is the way I am on, Mary Hansen, I think.
Q Was your father an Indian by blood? A Yes, sir.
Q Was your mother? A No, sir.
Q Your mother was a white woman? A Yes, sir.

1880 Authenticated roll of Cherokee citizens examined and applicant found thereon, page 372, #387, Mary Hansen, Flint District.

- Q Did you draw money in 1884, strip payment money? A Yes, sir.
Q Where did you draw it? A My brother drew it.
Q Where? A I don't know where; that was the last draw wasn't it?
Q Yes. A Yes, sir; he drew it for me; I have been staying with him ever since my Ma died.
Q When were you married? A Five years last July.
BY MR. HASTINGS, Cherokee Representative:
Q Where did you live just after you married? A I went to Arkansas and married.
COM'R HASTINGS: Where were you born? A Right down here by Vian.
Q In the Cherokee Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Have you never lived in Arkansas? A Oh, I went there a while.
Q After you were married? A No, sir, before I married and after I married I came back.
Q Have you ever since you married, in the Cherokee Nation? A Yes, sir, I have been back to Arkansas a time or two.

Mary M. Chadley, et al.--4.

- Q Did you ever keep house in Arkansas? A Yes, sir.
Q Well, how long since you returned to the Cherokee Nation from Arkansas the last time? A I come back here in April I believe.
Q This year? A Yes, sir.
Q Now, you lived in Arkansas from the time you were married until April last year? A No, sir.
Q Did you keep house in the Cherokee Nation up to April last year? A No, sir.
Q Are you keeping house now? A Yes, sir.
Q What is your husband's name? A Dan Chandler.
Q Is he a citizen? A No, sir.
Q He is a white man? A Yes, sir.
Q How long has your father been dead? A I guess he has been dead about 14 years.
Q Where did he die? A He died--
Q In the Cherokee Nation? A Yes, sir, he died up here somewhere.
Q Where were you living when he died? A At Vian.
Q How long has your mother been dead? A She has been dead about the same time, wasn't but just a week's difference.
Q Did she die in the Cherokee Nation? A Yes, sir.
Q Were you living with your father and mother when they died? A Yes, sir.

1894 Strip payment roll of Cherokee citizens examined and applicant's name found thereon, page 219, #2251, Maggie Hansen, Comanche District.

- Q Were you ever called Maggie by your people? A Yes, sir.
Q Are there children living at this time, these two children you apply for? A Yes, sir.
Q Were they born in the Cherokee Nation? A No, sir.
Q Born in Arkansas? A Yes, sir.
Q MR. HASTINGS: Now, how long after your father's and mother's death until you went to Arkansas? A It was about six years, maybe seven.
Q Did you have a brother down there? A No, sir.
Q What town in Arkansas did you go? A Little Rock.
Q Some of your people live there? A No, sir, just went there to be going.
Q Did you marry in Little Rock? A No, sir, I married a little the other side of Little Rock.
Q And you kept house down there until this last April after you were married? A Not all the time, I was back here off and on.
Q You never kept house in the Cherokee Nation? A No, sir, come back to see my people.
Q Just on a visit? A Yes, sir, my people lived here.
Q What does your husband do down there, farm? A No, sir.
Q Day's work or public work? A Public work part of the time.
Q Well, all the work he did was in Arkansas up until last April, up until you married him? A No, sir.
Q Now, what work did he do here in the Cherokee Nation before last April? A He didn't do any.
Q Now, how far from Muskogee do you live and what direction? A I live about six miles from Muskogee, right on this side of the river.
Q How come you to go to Little Rock? A My brother was living there.
Q Did he live down there too? A Yes, sir, he went down there and stayed with me and we both come back together.
Q Which one, this George? A Yes, sir.
Q Did he come back last April too? A Yes, sir.
Q MR. HASTINGS: Well, you considered Little Rock your home then until you came back here in April? A I reckon so; never owned any place.

Mary M. Chandler, et al.--3.

COM'N NEEDLES: Mary M. Chandler applies for the enrollment of herself and her two children, George and Benjamin. She is duly identified upon the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony. She is also identified upon the pay roll of 1894 according to the page and number as indicated in the testimony. She being identified upon the pay roll as Maggie Henson, Maggie being her middle name; she avers that she went by the name of Maggie. She avers that she was born in the Cherokee Nation; that her father and mother are both ~~Cherokee~~ and were married in the State of Arkansas and lived there until last April, 1901. She avers that both of her children were born in the State of Arkansas. The applicant is duly identified upon the roll of 1880 as well as upon the pay roll of 1894, but by reason of the fact that her residence in the State of Arkansas, and that she didn't return and become an actual resident of the Cherokee Nation until the date specified in the testimony, final judgment as to her application will be suspended and her name withdrawn that of her two children will be placed upon a doubtful card to await further consideration of the Commission. The only point in the evidence for consideration is the fact of residence. It will be necessary for her also to file satisfactory proof of the birth of her two children, George and Benjamin, they having been born after the rolls were compiled, and their names do not appear thereon.

She avers that she was married to one Dan. Chandler, a non-citizen, which accounts for the change of her name from Henson to Chandler.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W. Ross

Subscribed and sworn to before me this 13th of September, 1901.

MD Green
MP

Charles Lister

certificates of residence of T. A. ... and ...
 was filed in office on the 17th of August, 1904.
 only need on page 222 of Book of ...
 I certify that the above is a true and correct
 copy of the original, as shown to me.
 W. T. ...
 Clerk.

(Seal)

and document is as follows:
 MARSHALL CHRISTIANITY.

Mr. A. D. ...
 to ...
 Miss ...
 Recorded Book D, Page 222.
 Returned and filed this 17 day of
 August, 1904.
 W. T. ...
 Clerk.

BY COMMISSION OF MR. ...
 The agent for the ...
 Cherokee Nation present ...
 and will be reported to the ...
 the witness now of record.

DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS
 WASHINGTON, D. C.
 APPROVED
 SPECIAL AGENT IN CHARGE

10122-1

I, W. T. ... hereby certify that as a ...
 Commission to the Five Civilized Tribes, I correctly recorded the
 proceedings in this case, and that the foregoing is a true and com-
 plete transcript of the stenographic notes taken.

R.

C. D-1221.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 21, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Mary M. Chandler for the enrollment of herself and children as citizens of the Cherokee Nation.

Appearances:

I. P. Bledsoe, Agent for applicant.
W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 21st day of March, 1902. The applicant this day, to-wit: the 21st day of March, 1902, appears by her agent, I. P. Bledsoe.

There is offered in evidence by the agent for the applicant, marriage license issued by E. F. Messenger, County Clerk of the County of Grant, State of Arkansas, on the 21st day of July, 1896, authorizing the marriage of A. D. Chandler to Miss Maggie Hensen. The certificate shows that they were united in matrimony by Lewis M. Patterson, a minister of the gospel, on the 22d day of July, 1896.

The marriage license is as follows:

MARRIAGE LICENSE.

STATE OF ARKANSAS, COUNTY OF GRANT.

To any Person Authorized by Law to Solemnize Marriage Ceremony.

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. A. D. Chandler, of Junot in the County of Grant and State of Arkansas, aged 29 years, and Miss Maggie Hensen, of Junot, in the County of Grant and State of Arkansas, aged 18 years, according to law, and do you officially sign and return this License to the parties herein named.

WITNESS my hand and official seal this 21st day of July,
A. D. 1896.

(Seal)

E. F. Messenger,
County Clerk.

CERTIFICATE OF MARRIAGE.

STATE OF ARKANSAS, COUNTY OF GRANT.

I, Lewis M. Patterson, M. S. G., do hereby certify that on the 22 day of July, 1896, I did, duly and according to LAW, as commanded in the foregoing LICENSE, solemnize the rite and publish the bans of MATRIMONY between the parties therein named.

WITNESS my hand this 22 day of July, 1896.

My credentials are recorded
in Recorder's office, Jaff
County, Ark., Book A, page 134.

Lewis M. Patterson, M.S.G.

CERTIFICATE OF RECORD.

State of Arkansas
County of Grant.

I, E. F. Messenger, Clerk of the County Court and of said County, certify that the above license for and

certificate of marriage of Mr. A. D. Chandler and Miss Maggie Hansen was filed in my office on the 17th day of August, 1896, and the same is duly recorded on page 229 of Book C of Marriage Records.

Witness my hand and the seal of said Court this 20th day of January, 1897.

(Seal)

H. F. Messenger,
Clerk.

By H. B. Toler, D. C.

Endorsement is as follows:

MARRIAGE CERTIFICATE.

Mr. A. D. Chandler,
to
Miss Maggie Hansen.

Recorded Book C, Page 229.

Returned and filed this 17 day of
August, 1896.

H. F. Messenger,
Clerk.

BY COMMISSION OF MR. ELLIOTT: You submit the case? A Yes sir.

The agent for the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

[illegible]

APR 26 1905

APR 20 1966
COMMISSION TO FIVE TRIBES

1902

10-11-1944

"XCP" #11 health insurance

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 28, 1905.
10:0101

IN THE MATTER OF THE APPLICATION for the enrollment of Mary M. Chandler, et al., as a citizen by blood of the Cherokee Nation.

MARY CHANDLER being first duly sworn testified as follows:

BY THE COMMISSION:

Q What is your name? A Mary M. Chandler.

Q How old are you Mrs. Chandler? A Well sir, I can't tell you that.

Q About how old are you? A I guess about 26.

Q What is your postoffice address? A McLain, Indian Territory.

Q Where were you born Mrs. Chandler? A Down here at Vian.

Q Where were you living when you can first remember? A At Vian.

Q How long did you continue living there? A Well I lived there until I was about 14 years old.

Q Do you know what year you were born? A No, sir, I don't know.

Q Where did you go when you were 14? A To Arkansas.

Q Do you know what year that was? A No, sir, I don't.

Q You think you were about 14 years of age? A I think I was, I don't know exactly how old I am, mother died when I was little.

Q How much Cherokee blood do you possess? A One quarter.

Q Do you get your Cherokee blood from your mother or your father? A Father.

Q Whereabouts in Arkansas did you go? A To the other side of Little Rock between Pine Bluff and Little Rock.

Q With whom did you go? A My brother.

Q What was his name? A George Henson.

Q Did you just have the one brother? A No, sir, I had three then, I haven't got but one now.

Q George is the only one living now? A Yes, sir.

Q You say your mother died when you were small? A Yes, sir. I was about ten.

Q When did your father die? A He died about a week after mother died.

Q With whom did you live in Arkansas? A I lived with my brother, he was married.

George Henson? A Yes, sir.

Q Where does George Henson live now? A Well he lives out here about four miles, his place is five miles out, but he is not there now.

Q How long did he live in Arkansas? A Well he stayed there about six years, he came backwards and forwards but stayed there most of the time.

Q Have you any children? A Two.

Q What are their names? A Benjamin and George.

Q What is your husband's name? A General Chandler.

Q You were married prior to your marriage to General Chandler?

A Yes, sir.

Q What was your first husband's name? A His name was Dan Chandler, they were brothers.

Q When did you marry Dan Chandler? A In 1895.

Q Where were you married to Dan Chandler? A I was married to him in Arkansas.

Q Whereabouts? A Grant County.

Q Did Dan Chandler die? A Yes, sir.

Q Then when did you marry your present husband? A In November, 1902.

Q Where were you married to this husband? A I was married to him in Arkansas.

Q Where are you living now? A We live down here this side of Melain, they call it Elm Grove.

Q How long have you lived in the Indian Territory since returning from Arkansas, when did you come here? A Come here last about a month and a half ago, last Christmas a year ago.

Q You think you are about 26 years of age? A Yes, sir.

Q When do you think you was 26, you know the month of your birth? A No, sir.

Q Do you own any property in the Cherokee Nation now? A No, sir.

Q Did you ever own any property in the Cherokee Nation? A No, sir.

Q Both of your husbands were residents of the State of Arkansas? A Yes, sir.

Q They were not Cherokees? A No, sir.

Q What was your purpose in going to Arkansas? A Why I couldn't help myself. I had to go with my brother, I had nowhere else to go.

Q You were staying with your brother at that time? A Yes, sir.

Q He is older than you? A Yes, sir, he was married.

Q How long prior to your first marriage when you went to Arkansas? A About two years.

Q Are these children both living, Benjamin and George? A No, sir Benjamin is dead.

Q When did Benjamin die? A He died three years next August, I think he died on the 30th day of August, 1902.

Q Where did you appear before the Commission to make application for enrollment? A At Gibson.

Q Did you ever live in the Cherokee Nation after you went out about 1893 until about two or three months before Christmas, 1903? A Yes, sir.

Q When did you live in the Cherokee Nation? A I lived here about two years after I enrolled.

Q When was that, do you know? A Well I don't remember just when it was.

Q You went from Arkansas there at that time to enroll did you? A I had been here right smart while when I enrolled.

Q You lived here about two years and then lived in Arkansas.

Q I came here in July, but I enrolled in ---

Q Then you lived here about two years and then returned to Arkansas? A Yes, sir.

Q You then returned to the Cherokee Nation did you? A Yes, sir.

Q A year ago this last Christmas? A Yes, sir.

Q Where did you live these two years you were here, or something near two years? A At Gibson part of the time and down here at the mouth of Coody Creek.

WITNESS EXCUSED.

GENERAL GEORGE WASHINGTON CHANDLER being duly sworn testifies as follows:

BY THE COMMISSION:

Q What is your name? A General George Washington Chandler.

Q You are the husband of Mary M. Chandler? A Yes, sir.

Q Where were you married to Mary M. Chandler? A I was married in Jefferson County, Arkansas.

Q When were you married to her? A Last November, two years ago.

Q You were at that time a citizen of Arkansas? A Yes, sir.

Q How long have you known your present wife? A I have known her six or seven years, about seven years.

Q She was at that time the wife of your brother, Dan Chandler?

A Yes, sir.

Q Do you know when she married Dan Chandler? A Well I wasn't present, I know about the time.

Q About when was it? A I was in Perry County at the time they were married, I don't just remember probably in July, 1902.

Q Did you know Mary M. Chandler before she married your brother?

A No, sir I never did.

Q Did you know of her returning to the Cherokee Nation sometime about the year 1901 and remaining here sometime? A Yes, sir.

Q When was it that she came here, if you knew? A Why she came here about the first of May and stayed awhile and went back and came then in July I think or August, 1901.

Q How long did she stay here at that time? A She stayed here from then until the first day of September, 1902.

Q She then returned to Arkansas? A Yes, sir.

Q And lived there until when? A Well it was about a month or a month and a half before Christmas.

Q Late in the fall or early in the winter of 1903? A Yes, sir, it was late in the fall, I believe it was in November.

Q Has your wife ever owned property in the Cherokee Nation so far as you know? A No, sir not that I know of.

Q Do you own any improvements on the public domain of the Cherokee Nation at the present time? A No, sir, I cannot say that I do.

Q Does your wife? A No, sir.

WITNESS INCURRED.

Opal Briggs being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 25th day of January, 1905, and that the above is a full, true and correct transcript of her stenographic notes thereof.

Opal Briggs

Subscribed and sworn to before me this 25th day of April 1905.

Bureau O. Ball

Notary Public.

My commission expires March 14th 1907.

Cherokee D 1221

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary Magdaline Chandler et al, as citizens by blood of the Cherokee Nation.

DECISION.

IT APPEARS FROM THE RECORD HEREIN That, on September 13, 1901, Mary Magdaline Chandler (22 years of age) appeared before this Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her two minor children, George Chandler (3 years of age), and Benjamin Chandler (six months old), as citizens by blood of the Cherokee Nation. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory, on March 11, 1902, and January 28, 1903.

THE EVIDENCE IN THIS CASE SHOWS That Mary Magdaline Chandler is a Cherokee by blood, and is identified upon the 1880 authenticated Cherokee roll, and also upon the 1894 Cherokee Landed District payment roll. It further appears that said applicant has resided continuously in the Cherokee nation from the date of her birth up to and including September 1, 1902, with the exception of a temporary absence in the state of Arkansas during her minority.

The minor applicants herein are the children of said Mary Magdaline Chandler, and having been born subsequent to the preparation of the last tribal roll, are identified by a proper proof of birth filed herewith.

It further appears that Benjamin Chandler died prior to September 1, 1902.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Mary Magdaline Chandler and George Chandler should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered; and it is further ordered that the application made for the enrollment of Benjamin Chandler as a citizen by blood of the Cherokee Nation, be, and the same is, hereby dismissed, under the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 714).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby,

Chairman

(SIGNED)

I. B. Needles.

Commissioner

(SIGNED)

C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this

JUN 10 1905

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. EBBETT BRIDGE.

W. A. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

5660
OFFICE IN REPLY TO THE FOLLOWING:
Cherokee D-1221.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, dismissing the application for the enrollment of Benjamin Chandler, and granting the application for the enrollment of Mary Magdaline Chandler, et al., as citizens by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. 3-66


Chairman.

CHEROKEE

D. 1221

Mary M Chandler et al

7

7

19 1905 ~~Amended~~ and record
transferred to Cherokee 10930,
as to 177; no 3 transferred to
Cherokee R-950

Cher D 1222

Cher D 1222

Cherokee by blood:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 13th, 1901.

In the matter of the application of Jennie Anderson for the enrollment of her child, DORA MILLER, as a citizen by blood of the Cherokee nation; said Anderson being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Jennie Anderson.
Q How old are you? A 30 years old.
Q What is your post office? A Fort Gibson.
Q What district do you live in? A Illinois.
Q Who do you want to enroll, who do you apply for? A My child.
Q What is your child's name? A Dora Miller.
Q How old is Dora Miller? A She is five years old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A When I first married was Miller.
Q What was his first name? A Robert Miller.
Q Is he living? A He is dead; I married again.
Q What is your present husband's name? A Amos Anderson.
Q Dora Miller the child of your first husband? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir, Jennie Jim.
Q Jennie Jim was your maiden name? A Yes, sir.
Q What was your father's name? A His name was Creek Jim Fox.
Q He went by the name of Creek Jim? A Yes, sir.
Q What was your mother's name? A Her name was Sarah Fox.
Q Is she living? A Yes, sir, her name before she married was Corbrey.
Q Is your father living? A My father is dead.

1880 Authenticated roll of Cherokee citizens examined and name of applicant found thereon, page 544, 1945, Jennie Jim, Illinois district.

1896 census roll of Cherokee citizens examined and names of applicant and her child found thereon as follows:

Page 883, #1269, Jennie Miller, Illinois district.

Page 833, #1270, Dora Miller, Illinois district:

Note opposite Jennie's and Dora's names on 1896 roll: "Enrolled on Creek census card field No 968."

- Q Your name is also on the rolls of the Creek Nation?
A Yes, sir, I have been filed and enrolled there.
Q You elect to take your allotment in the Creek Nation? A Yes, sir.
Q Did you apply to the Dawes Commission to have your child Dora enrolled? A Yes, sir, and they would not take her.
Q They would not enroll her? A No, sir.
Q You now apply to have her enrolled as a Cherokee?
A Yes, sir, I had rather have her here. Will you take her in here all right?
Q Where was Dora born? A Illinois district.
Q Cherokee nation? A Yes, sir.
Q She has always lived in the Cherokee Nation since that?
A Yes, sir. She never has been out.
Q Do you know whether your child Dora's name appears upon any of the Creek rolls? A No, sir, I don't think she is.
Q You never drew any Creek money for Dora? A No, sir.
Q You drew Cherokee money? A No, sir, she wasn't born when the strip was paid out.

COM'R NEEDLES: Jennie Anderson applies for the enrollment of her child, Dora Miller. She avers that she is a child of one Creek Jim and her name appears upon the authenticated roll of 1880 as well as upon the census roll of 1896. She avers that she was originally married to one Miller,

Dora Miller.--2.

now deceased, by whom she had the child for whom she applied after her first husband's death she has since married one Anderson. She avers, although her name appears upon the authenticated roll of 1880 and census roll of 1898 of the Cherokee nation, that her name also appears upon the Creek rolls, and that she elected to take her allotment in the Creek Nation, consequently does not apply for the enrollment of herself as a Cherokee. She avers that she applied to the Dawes Commission at Muskogee for the enrollment of her child Dora. By reason of the fact that the name of the child is not found upon any of the rolls of the Creek Nation, the Commission refused to enroll said child, the time for the enrollment of Creek citizens whose names do not appear upon the Creek rolls having expired. She now applies for the enrollment of said child as a Cherokee by blood. Further action as to the listing of the said Dora Miller will be suspended and said child's name will be placed upon a doubtful card awaiting further consideration of the Commission.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this September 13th, 1901:

M. D. Green
MQ
Commissioner.

Supl.-C.D.#1222.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of DORA MILLER
as a citizen of the Cherokee Nation:

Jennie Anderson was notified by registered letter March 1, 1902, that the application for the enrollment of Dora Miller as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting said application. The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dora Miller as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on September 13, 1901, Jennie Anderson appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of her minor child, Dora Miller, as a citizen by blood of the Cherokee Nation.

The evidence shows that the said Dora Miller is the minor child of Jennie Anderson, formerly Miller, by her first husband, Robert Miller, and that the said Jennie Anderson is duly identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee. On February 18, 1901, the said Jennie Anderson made application for the enrollment of said Dora Miller as a citizen of the Creek Nation and, on May 17, 1901, the Commission rendered its decision denying the enrollment of said Dora Miller as a citizen of said Creek Nation. This action of the Commission was affirmed on March 4, 1902, by the Secretary of the Interior.

The evidence further shows that the said Dora Miller was born and has always resided in the Cherokee Nation up to and including the date of this application, and that she is duly identified upon the 1896 census roll of said Nation.

It is, therefore, the opinion of this Commission that Dora Miller should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 25, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

Acting Chairman.

T. B. Needles

Commissioner.

C. R. Brookings

Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 26 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1222.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application of Jennie Anderson for the enrollment of her minor child, Dora Miller, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-10.

~~Case No. D1222~~

~~THE MATTER OF THE APPLICATION OF~~

~~Dora Miller~~

~~A Original testimony Sept 13 1901~~

~~Answer of application Sept 13 1901~~

~~C Letter relative to enrollment of
mother as a citizen of Cherokee Nation~~

~~D Notes of final consideration, 3/24/02~~

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1223

Cher D 1223

Cherokee by Intermarriage:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, IT./9 SEPTEMBER 13, 1901.

In the matter of the application of John Cantrell for enrollment as a Cherokee citizen by Intermarriage; said Cantrell being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A John Cantrell.
Q What is your age, Mr. Cantrell? A 55.
Q Your post office address? A Talihina.
Q Do you apply to be enrolled as a Cherokee citizen by intermarriage?
A Yes, sir.
Q What is your wife's name? A Her name is Nancy Springston.
Q Is she living? A No, sir.
Q She was a Cherokee citizen? A Yes, sir.
Q When did she die? A She died in the spring of '78.
Q Were you ever married before you married her? A Yes, sir, I was married before I married.
Q Was your former wife living at the time you married her?
A No, sir.
Q Was she ever married before she married you? A No, sir, I guess not.
Q What was her father's name? A Anderson Springston.
Q Is he living? A No, sir.
Q What was her mother's name? A I forget her mother's name.
Q Is she living? A No, sir, she is dead.
Q Have you been married since? A Yes, sir.
Q Is your present wife a white woman? A Yes, sir.
Q Have you any proof of your marriage? A Yes, sir.

Com'r: Applicant presents an authenticated marriage license and marriage certificate certifying that he was married to one Nancy Springston, a Cherokee citizen, on the 19th day of November, 1874; said license being issued by the authorities of the Cherokee Nation.

- Q Is your wife's name on the roll of 1880, do you know? A I don't know whether it is or nor; me and her both was on the roll in '75.
Q Did she die before 1880? A Yes, sir, died in the spring of '78.
Q Is your name on the roll of 1880 now? A I guess not.

The 1880 Authenticated roll of Cherokee citizens examined and applicant's name not found thereon.

- Q Have you ever been recognized by the Cherokee authorities as a Cherokee citizen by intermarriage, Mr. Cantrell? A Yes, sir, I was on the roll.
Q Have you ever drawn any money from the Cherokee Nation?
A Drawed money in '75, I think it was '75; it was there at Vinita.
Me and my wife and two of her sisters is on that roll.
Q What is your present wife's name? A Edwards.
Q Her first name? A Laura.
Q She is a white woman? A Yes, sir.
Q When did you marry her? A '83.
Q You have been living with her continuously since that time?
A Yes, sir.
Q Did you live with Nancy Springston continuously from the time you married her until she died? A Yes, sir.
Q Do you recollect the date of the death of the mother of Nancy Springston? A No, sir, I don't recollect exactly.
Q Did she die in 1880? A I think it was a year after we was married. I think it was '75.

By Mr. Hastings, Cherokee Representative:

Q Where do you live now? A Talihina.

Q How long have you lived there? A I have been there since '87, and here together; I have been on the Marshall force and worked in all the Territory here.

BY COM'R NEEDLES: your family residence has been in the Choctaw Nation? A Yes, sir.

Q In Talihina? A Yes, sir.

Q You have a daughter that is dead that is on the 1880 roll?

A Yes, sir.

Q What is its name? A I think it is Lou Ella.

The 1880 Authenticated roll of Cherokee citizens examined and name of applicant's deceased daughter found thereon, page 746, #464, Luella Cantrell, Tahlequah district.

Q Mr. Cantrell, if you had any rights you have married out?

A Well I wanted to see.

COM'R NEEDLES: John Cantrell applies for the enrollment of himself as an Intermarried citizen. He cannot be identified upon any the authenticated roll of 1880 or any other roll of the Cherokee Nation. He avers that he married one Nancy Springston, a citizen of the Cherokee Nation, and makes satisfactory proof of said marriage according to the laws of the Cherokee Nation in the year 1874. She is since deceased. The name of Nancy Springston cannot be found upon the authenticated roll of 1880 for the fact that she died before said roll was compiled. The name of a daughter of Nancy Springston by said Cantrell, Luella, is found upon the authenticated roll of 1880 according to the page and number of the roll was indicated in the testimony.

Applicant avers that since the death of his wife, Nancy Springston, he has married a white woman. It will appear from the laws of the Cherokee Nation, if he had any rights as a Cherokee citizen by intermarriage, he would forfeit the same by marrying a non-citizen; however, the name of John Cantrell will be placed upon a doubtful card for the further consideration of the Commissioners.

MR. HASTINGS: The representatives of the Cherokee Nation call attention to Sec. 666 of the compiled laws of the Cherokee Nation.

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J. O. Poeson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Poeson

Subscribed and sworn to before me this 16th day of September, 1901.

W. D. Hall
W. D. Hall

Commissioner.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it is the first official communication from the President to the Congress since the inauguration of Abraham Lincoln. The letter is written in a formal, dignified style, and it contains a number of important points. The President begins by expressing his confidence in the Congress, and then he goes on to discuss the state of the Union. He mentions the recent election of Lincoln, and he expresses his belief that the Congress will support the new President. He also discusses the issue of slavery, and he expresses his belief that the Congress will take action to end it. The letter is a very important document, as it is the first official communication from the President to the Congress since the inauguration of Abraham Lincoln.

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is assigned to the case. The investigator must first identify the problem and then determine the scope of the investigation. This is done by the investigator who is assigned to the case. The investigator must first identify the problem and then determine the scope of the investigation. This is done by the investigator who is assigned to the case. The investigator must first identify the problem and then determine the scope of the investigation. This is done by the investigator who is assigned to the case.

OFFICE OF THE ATTORNEY GENERAL

[illegible][illegible]

Supl.-C.D.#1123.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of CLARK B. GORMANY, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902 and ~~that~~ on said date he might appear before the Commission and introduce any further testimony affecting his case. This applicant has this day, to-wit: the 19th day of March, 1902, been called and fails to respond either in person or by attorney.

Mr. Hastings, Cherokee Representative:

Comes now the representatives of the Cherokee Nation and move for a continuance in this case because they have been advised that he is a non-resident of the Indian Territory and they expected to develop that fact by the cross-examination of the applicant himself, but that he has not appear in person, and neither do the records of the Commission show that he has acknowledged receipt of their letter addressed to him at Fawn the post office address he gave them when he enrolled.

Commission: The request of the Cherokee Nation will be complied with, and the case will be continued until the 5th day of April, 1902.

---000000000---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS 60637

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission has been informed that the CLA is a pro-Cuban organization which is active in the United States and is engaged in a campaign to overthrow the Government of Cuba. The Commission has been informed that the CLA is active in the United States and is engaged in a campaign to overthrow the Government of Cuba. The Commission has been informed that the CLA is active in the United States and is engaged in a campaign to overthrow the Government of Cuba.

CONFIDENTIAL

The above information was obtained from a review of the records of the Department of Social Services, State of New York, Office of Child Welfare, dated 10/1/68.

1. The Government has decided to set up a new department of health and welfare, which will be responsible for the health and welfare of the people of the country. This department will be headed by a Minister of Health and Welfare, who will be responsible to the Parliament for the work of the department. The department will have a number of branches, each of which will be responsible for a particular aspect of health and welfare. These branches will be: (a) the branch of medical services, which will be responsible for the provision of medical services to the people; (b) the branch of public health, which will be responsible for the prevention of disease and the promotion of health; (c) the branch of social services, which will be responsible for the provision of social services to the people; and (d) the branch of health education, which will be responsible for the education of the people in matters of health and welfare. The Government has decided to set up this department as a matter of priority, and it is hoped that it will be able to start work in the near future.

1. The above information was obtained from the records of the Federal Bureau of Investigation, Department of Justice, and is being furnished to you for your information.

Supl.-C.D.#1223.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN CANTRELL
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902. On said date the applicant appeared by his attorney and by agreement the case was continued until the 24th day of March, 1902. The same being this day, to-wit: the 24th day of March, 1902, called, the applicant appears by his attorney, S. Heard.

Commission of Mr. Heard: Is there any statement that you desire to make relative to the case?

Mr. Heard: No, sir; not now; I ask to be allowed to file a brief; 20 days:

Commission: The attorney for the applicant requests and will be granted 20 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation:

The Attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosen

JAC.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of John Cantrell for enrollment as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on September 13, 1901, John Cantrell appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 24, 1902.

The evidence shows that on November 22, 1874, the said John Cantrell was lawfully married under a Cherokee marriage license and in compliance with the laws of the Cherokee Nation to one Nancy Springston, a citizen by blood of the Cherokee Nation; that they lived together as husband and wife until the death of said wife, in 1878. It further appears that the applicant, John Cantrell, since the death of his said wife, married one Laura Edwards, a white woman, in May, 1883. He is not identified upon any of the rolls of said Cherokee Nation.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 74, Article 15, Miscellaneous Acts, page 223 of the Compiled Laws of the Cherokee Nation (1878), also Section 686 of the Compiled Laws of the Cherokee Nation (1892) are, as follows:

"Should any man or woman, citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application of John Cantrell for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this 1902

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this
day of A. D. 190....

.....
Marshal for the Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190....

.....
Attorney for applicant.

.....
**UNITED STATES OF AMERICA, } S. S.
INDIAN TERRITORY, }
NORTHERN DISTRICT.**

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the ... day of A. D. 190....

.....
Subscribed and sworn to before me
this

.....
Notary Public.

28 11 1893

NOTICE!

IN THE MATTER OF the application of Clark B. Garmany et al
for enrollment as Cherokee citizens:
Case No. D 1123
To Clark B. Garmany et al Pawm, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March, 12, 1902. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 12, 1902.

Attorneys for the Cherokee Nation.

200.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D 1223.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of John Cantrell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

Enc. C. No. 107.

212

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

KEEP IN REPLY TO THE FOLLOWING

Cherokee D 1223.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskegee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskegee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of John Cantrell for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Tamm Bixby
Acting Chairman.

Deborah R D1233

IN THE MATTER OF THE APPLICATION OF

John Deantell

AS

A Original testimony Sept 13 1901.

B Memo of app. made Sept 13 1901.

C Certified copy of marriage license and certificate.

D Notice of final consideration, 3/11/02

E Receipt for testimony

Transferred to R-724

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1224

Cher D 1224

Cherokee by blood.

-A-

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 17, 1901.

In the matter of the application of William H. Brackett for the enrollment of himself and three children as Cherokees by blood, and for the enrollment of his wife as a Cherokee by intermarriage.

William H. Brackett, appearing before the Commission, and being duly sworn and examined, testified as follows:

- Q What is your name? A William H. Brackett.
Q How old are you? A 29 years old.
Q What is your postoffice address? A Sallisaw, Indian Territory.
Q What district do you live in? A Sequoyah.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Do you apply for anyone besides yourself? A Yes sir.
Q For whom? A My wife and my children.
Q How many children? A Three.
Q How long have you lived in the Cherokee Nation? A Been here 12 years.
Q What is the name of your father? A Daniel Brackett.
Q Is he living? A Yes, sir, he is living.
Q Is your father a Cherokee? A Yes, sir.
Q What is the name of your mother? A Her name is Sarah C. Brackett.
Q Is your mother living? A Yes, sir.
Q Is your mother a Cherokee? A Yes, sir.
Q What degree of Cherokee blood do you claim? A I claim 1/8.
Q Have you resided in the Cherokee Nation continuously for the past 12 years? A Yes, sir.
Q Have you been out during the past three years? A No, sir, I haven't.
Q What is the name of your wife? A Eva.
Q Is she living? A Yes, sir.
Q How old is she? A 27 years old.
Q Is she a Cherokee by blood? A No, sir.
Q What is the name of her father? A His name is Mack Leathers.
Q Is he living or dead? A He is living.
Q What is the name of your wife's mother? A Her name was Jane.
Q Is she living? A No, sir, she is dead.
Q Your wife's parents have never been recognized as citizens of the Cherokee Nation? A No, sir.
Q What is the name of your oldest child? A Addie.
Q How old is she? A 5 years old.
Q What is the name of the next one? A Ed.
Q How old is Ed? A 3.
Q Your next child? A Fannie Jane.
Q How old is Fannie Jane? A A year old, about 15 months old.
Q That all? A Yes, sir, that is all.
Q These children are all alive and living with you at the present time? A Yes, sir.
Q They are all your children by your present wife? A Yes, sir.
Q Were you ever married before you married her? A No, sir.
Q Was she ever married before? A No, sir.
Q When were you married to her? A In 1894, in November.
Q Have you any evidence of your marriage? A Why I have evidence here, yes, sir.

Commission: Applicant presents a marriage certificate showing that he was married on the 9th day of November, 1894, to Eva Leathers. The certificate is signed by James A. Carr, but as there is nothing to show that said James A. Carr was authorized to perform the marriage ceremony, the same is returned to the applicant herewith, and he is desired to have Mr. Carr state whether or not he is a minister of the Gospel.

Q Were you or your parents ever admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council or Commission on Citizenship? A Yes, sir.

Q Have you any evidence of that fact? A Yes, sir.

Commission: The applicant presents a certificate of admission to Cherokee citizenship, dated at Tahlequah, Indian Territory, showing that he was admitted to citizenship in the Cherokee Nation on the 16th day of August, 1889, together with various other persons. Among the persons mentioned in the certificate of admission appears the name of one Willey H. Brackett, age at that time 16 years. The certificate is signed by Will P. Ross, Chairman Commission on Citizenship, and E. S. Williams, Assistant Clerk Commission on Citizenship, approved and endorsed by J. B. Mayes, Principal Chief Cherokee Nation. The document bears the seal of the Cherokee Nation.

Q Are you the identical William H. Brackett whose name appears in this certificate of admission? A Yes, sir.

Commission: The document is filed herewith.

Q You and your wife have lived together continuously since your marriage? A Yes, sir.

Q You are living together at the present time? A Yes, sir.

The 1896 census roll of Cherokee citizens examined and the applicants identified thereon as follows:

William H. Brackett on page 1051, No. 68, Sequoyah district;

Eva Brackett on page 1111, No. 8, Sequoyah district, as Eve Brackett;

Addie Brackett on page 1051, No. 68, Sequoyah district, as Adie Brackett.

Commission: The applicant offers in evidence an affidavit as to the birth of his son, Ed Brackett, in which his wife states that she is 26 years of age, and that her child was born on the 21st day of January, 1897.

Q Is your wife 26 years of age or 27? A 27 now, it is wrong whoever put it down there.

Q And this child Ed will be 4 years old in January? A Yes, sir.

Commission: He also offers in evidence an affidavit as to the birth of his daughter, Fannie J. Brackett, born on the 16th day of March, 1901.

Q In the affidavit as to the birth of this child you spell its name Fanie; is that the way you desire to have it enrolled?

A Yes, sir.

Commission: These birth affidavits are filed herewith.

Mr. J. L. Baugh, Cherokee representative: Now comes the Cherokee Nation, through its representatives, and protests against the enrollment of said William H. Brackett on the ground that fraud was practiced in the admission of said Brackett.

The 1894 payroll examined and the applicant, William H. Brackett, identified thereon, page 519, No. 288, as William H. Brackett, Flint District.

Commission: William H. Brackett applies for the enrollment of himself, his wife and three minor children. He is identified upon the census roll of 1896 and the strip payment roll of 1894. He produces satisfactory evidence of his admission to citizenship in the Cherokee Nation in 1889. He avers that he has lived continuously in the Cherokee Nation for the past ~~four~~ years. His wife Eva is a white woman. She is identified upon the census roll of 1896 as an adopted white. He produces evidence as to his marriage to her, but as the same is not satisfactory, he will be required to file a satisfactory certificate as to his marriage. He avers that they were married in the year 1894, and have lived together continuously since that time. Neither have ever been previously married.

His child Addie is identified upon the census roll of 1890. By reason of the protest made by the representative of the Cherokee Nation present, the said William H. Brackett and his wife Eva and their three children will be duly listed for enrollment as Cherokee citizens, but upon a doubtful card. He and the children will be listed for enrollment as citizens by blood and his wife as a citizen by intermarriage. He makes satisfactory proof as to the births of his two youngest children, Edna and Fannie J. Their names are not found upon any of the rolls, having been born since that time. They will likewise be listed for enrollment as Cherokees by blood upon a doubtful card, and when the decision of the Commission is finally rendered on this application, the said William H. Brackett will be duly notified at his postoffice address.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 17th of August, September, 1901

M. D. Green
MD

Commissioner.

10/22/4

COMMISSION TO THE PUBLIC

FILED

MAR 3 1962

ACTING CHAIRMAN

W. B. G. M.

[Handwritten signature]

Cherokee D-1224.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
William H. Brackett for enrollment as a Cherokee citizen;

Appearances:

James H. Huckleberry, Sr., Sallisaw, I. T., Attorney
for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

MR. HUCKLEBERRY: All we want is to refer to the certificate.

BY COMMISSION: Attention is invited to a certificate which is
filed in the matter of the application of Daniel Brackett,
Doubtful Cherokee card No. 82, showing that William H. Brackett
was admitted to citizenship on the 18th day of August, 1889,
by an act of the Cherokee Commission on citizenship. He is
identified on said certificate as Willey H. Brackett, aged at
that time 16 years.

Q Do you submit this case to the Commission for final consideration?

MR. HUCKLEBERRY: Yes sir.

MR. HASTINGS: All right, let it go.

BY COMMISSION: Case closed.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.

[Signature]

Commissioner.

Certificate of Admission to Cherokee Citizenship 1884.

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation.

To all whom it may Concern - Greeting:

This is to certify, That the following named, to-wit: Daniel Brackett aged Forty-four years, Emily Brackett aged seventeen years, Willey P. Brackett aged sixteen years, Susan J. Brackett aged fourteen years, Martha S. Brackett aged twelve years, did, pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 3 day of Oct. 1887; that the proof submitted by the above named applicants in support of the said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council and of the amendment thereto, dated February 7th, 1887, and that by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said Act, the above named persons (applicants for citizenship) are, from this the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Article 1. of the Constitution of the Cherokee Nation upon the terms and conditions set forth in the Act of December 5th, 1886, entitled "An Act Creating a Commission on Citizenship," to-wit:

"That all persons to whom Certificate of Citizenship shall be issued by the decree of the Commission created by this Act, shall be required as a condition precedent to the delivery of said certificates to return to, and permanently locate within the limits of the Cherokee Nation, and it shall be further the duty of all such persons to enroll their names, with the names of their families (if any such), at the date of their arrival within the limits of the Nation, in a book to be kept for that purpose in the office of the Principal Chief, and no Certificate of Citizenship issued by said Commission shall entitle an applicant for admission into the Nation for (not) a longer period than one year from its date, who shall fail to become a bona fide citizen within that period."

And this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said persons accordingly.

In Witness Whereof, I hereunto sign my name, as Chairman of the Commission, on this the sixteenth day of August 1889.

Will. P. Ross

Chairman Com.on Citizenship.

Attest: D.S.Williams

Asst.Clerk Com.on Citizenship.

(SEAL)

Approved and endorsed:

J.B. Mayes

Principal Chief C.N.

C. J. Harris

Asst. Ex. Sec'y.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that he made the above copy and that the same is a true and complete copy of the original.

Subscribed and sworn to before me this 14th day of April, 1902.

Notary Public.

Cherokee D-1285.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 8, 1902.

In the matter of the application of Harriett Hubbard for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Harriett Hubbard.
Q What is your age at this time? A If I live to see the 13th day of this month I will be 79 years old.
Q What is your postoffice? A Manard. We did use Tahlequah, but it is too far out from Manard.
Q Are you the same person who made application in 1901 to this Commission for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir, I guess so.
Q What was your Cherokee husband's name? A Wilkerson Hubbard.
Q Was he a Cherokee by blood? A Yes sir.
Q When were you married to Wilkerson Hubbard? A I was married in '43.
Q Where were you married to him? A I was married in Illinois District by the District Judge of Illinois, right in a half-mile of where I am living now.
Q Were you ever married before you married Mr. Hubbard? A No sir.
Q He was your first husband, was he? A Yes sir.
Q Was he ever married before he married you? A No sir.
Q You his first wife, were you? A Yes sir, and his last one.
We lived together until he died two years the 18th of last September.
Q You and he never were separated after your marriage? A No sir.
Q You never have been married to any other man? A Never since.
Q Still a widow and single on the first day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have been in the Cherokee Nation ever since I was about seven years old I suppose.
Q Have you lived in the Cherokee Nation all the time for the last twenty years? A Yes sir.
Q Never lived out? A Never had a home nowhere else.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. C. Jones

Subscribed and sworn to before me this 24th day of October, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 8th, 1902.

In the matter of the application of William H. Brackett for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife Eva Brackett as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children Addie, Ed and Fanie Brackett as citizens by blood of the Cherokee Nation.

Supplemental to D-1224

EVA BRACKETT, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Eva Brackett.
Q. How old are you? A. 28 years old.
Q. What is your post office? A. Sallisaw.
Q. You are a white woman? A. Yes, sir.
Q. You are claiming as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of the husband through whom you claim citizenship? A. Will Brackett.
Q. William H.? A. Yes, sir.
Q. Is he your first husband? A. Yes, sir.
Q. Are you his first wife? A. Yes, sir.
Q. Neither of you ever married before? A. No, sir.
Q. When were you married to William H. Brackett? A. '94.
Q. How long has William H. Brackett lived in the Cherokee Nation? A. 12 years.
Q. Never been out? A. Never lived outside.
Q. Have you lived with him in the Cherokee Nation since you were married? A. Yes, sir.
Q. Living together on the first of September, 1902? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. How many children have you? A. Three.
Q. All living? A. Yes, sir.
Q. All living with you in the Cherokee Nation? A. Yes, sir.
Q. Your husband is living is he? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of December, 1902.

Jesse O. Carr
B. O. Jones
Notary Public.

Cherokee D 1224

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William H. Brackett for the enrollment of himself and three children, Addie Brackett, Ed Brackett and Fanie Brackett, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Eva Brackett, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on September 17, 1901, William H. Brackett appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of himself and three minor children, Addie Brackett, Ed Brackett and Fanie Brackett, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Eva Brackett, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 17, and October 8, 1902.

The evidence shows that William H. Brackett was re-admitted to citizenship in the Cherokee Nation by the duly constituted authorities on August 16, 1889. His wife, Eva, a white woman, was lawfully married to him on November 9, 1894, and the minor applicants herein are the issue of that marriage. William H. Brackett, his wife, Eva, and his oldest child Addie, are identified on the Cherokee Census roll of 1896, and his two younger children are identified by birth affidavits made a part of this record.

The evidence further shows that the said William H. Brackett has resided in the Cherokee Nation since the date of his re-admission to citizenship and that he and his said wife have been living together ever since they were married. Their children are considered to have been residents of the Cherokee Nation since their birth.

It is, therefore, the opinion of this Commission that William H. Brackett, and his three children, Addie Brackett, Ed Brackett and Fannie Brackett, should be enrolled as citizens by blood of the Cherokee Nation, and that his wife, Eva Brackett, should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1906 (34 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamr Bixby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

this JAN 30 1907

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1224

ALSO REPLY ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

**Attorney for the Cherokee Nation,
Vinita, Indian Territory.**

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of William E. Brackett for the enrollment of himself and his three minor children, Addie, Ed and Fannie Brackett, as citizens by blood, and for the enrollment of his wife, Eva Brackett, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen day from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-274

Deacon 8 D1224

IN THE MATTER OF THE APPLICATION OF

William H. Brackett et al

- C. Original testimony Sept. 17, 1901
- Memo. of application Sept 17, 1901
- to Bech off. Ed Brackett.
- Paul off. James C. Brackett.
- to Bech off. Ed Brackett.
- Supplemental testimony and order closing testimony - 2/17/02

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1225

Cher D 1225

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, IT., September 17, 1901.

In the matter of the application of Harriett Hubbard for enrollment as a Cherokee by intermarriage.

Harriett Hubbard, appearing before the Commission and being duly sworn and examined, testified as follows:

- Q What is your name? A Harriett Hubbard.
- Q How old are you? A I will be 78 years old if I live to see the first of next month.
- Q What is your postoffice address? A Tahlequah; well sometimes we have it here at Mansard.
- Q Do you live in Tahlequah district? A Yes, sir.
- Q Do you apply for enrollment as a Cherokee by blood? A No, sir, I am an adopted citizen.
- Q You apply for enrollment as a Cherokee by intermarriage? A Yes, sir.
- Q What was the name of your husband? A Wilkinson Hubbard.
- Q Is he living? A No, sir, he is dead.
- Q Was he a Cherokee by blood? A Yes, sir.
- Q Was he ever recognized as a citizen? A Yes, sir.
- Q When were you married to him? A In '43.
- Q Did you and he live together continuously up until the time he died? A Yes, sir.
- Q Were you ever married before you married him? A No, sir.
- Q Was he ever married before? A No, sir.
- Q You haven't remarried since his death? A Oh no, he has been dead a year the 16th of this month.
- Q What was the name of your father? A William Thomas.
- Q What was the name of your mother? A Jamina Terrell when she died, she was married twice.
- Q Your father and mother were never recognized as citizens of the Nation? A No, sir.
- Q Does the name of your husband appear upon the roll of 1880? A No, sir, his name is not there nor mine neither.
- Q Does his name appear upon any roll? A Yes, sir.
- Q Was your husband ever an applicant before the Cherokee National Council or Commission on Citizenship for enrollment as a citizen of the Cherokee Nation? A Well I can't understand that.
- Q Did your husband ever apply to the Cherokee National Council or Commission on Citizenship for citizenship in the Cherokee Nation; did he ever apply for enrollment? A No, sir, he was born and raised in the Cherokee Nation but they taken his rights away from him once.
- Q Did he then apply for readmission? A No, sir, they just appointed the Court and reinstated him.
- Q Have you any evidence of that fact? A Yes, sir.
- Q Let me have it please? A (Hands Commission paper.)
- Q You apply for anyone besides yourself? A No, sir, just myself, I haven't but one child and he enrolled.

Commission: There is offered in evidence a certificate of admission to Cherokee citizenship, from the office of the Commission on Citizenship at Tahlequah, Cherokee Nation, showing that one Wilkinson Hubbard, age 65 years, was admitted to citizenship in the Cherokee Nation on the 2nd day of November, 1888. The document is signed by J. T. Adair, Chairman Commission on Citizenship, attested by Connell Rogers, Clerk Commission on Citizenship, approved and endorsed by J. B. Mayes, Principal Chief of the Cherokee Nation. The document bears the seal of the Cherokee Nation and will be filed herewith.

Q Is the Wilson Hubbard who is mentioned in this document your husband? A Yes, sir, he is the one.

The 1894 census roll of Cherokee citizens examined, and the

applicant and her husband identified thereon as follows:

Wilkinson Hubbard on page 1180, No. 1364, Tahlequah district, as Wilkerson Hubbard, 73 years of age;

Harriett Hubbard on page 1281, No. 96, Tahlequah district, as Harriet Hubbard, intermarried white.

By J. L. Baugh, Cherokee Representative: Where were you married to your husband at? A In Illinois, about a mile from where I live.

Q In 1847? A 1843; old man Paris, he was the district judge at that time, and he married us.

Q Was your husband at that time acknowledged to be a citizen of the Cherokee Nation? A Yes, sir, never knowed anything else, I never did.

Commission: Have you any evidence of your marriage to Wilkinson Hubbard, marriage certificate or marriage license and certificate?

A No, sir, there never was anything of that required in my young days.

Q You don't know whether this marriage was ever recorded, do you?

A No, sir, I don't, I don't have any idea it ever was.

Q Now after your husband was admitted to citizenship in 1868, were you married to him again? A No, sir.

Q You only married him once? A Just once.

Q And that was in 1843? A Yes, sir.

Mr. Baugh: The Cherokee Nation objects to the enrollment on the grounds that she was married to her husband prior to his admission, and she was a white woman, and therefore she didn't acquire any rights under the intermarriage laws of the Cherokee Nation.

Commission: Harriett Hubbard applies for the enrollment of herself as a Cherokee by intermarriage. She avers that she was married to her husband Wilkinson Hubbard in 1843, but produces no satisfactory evidence as to her marriage. She produces evidence as to the admission of her husband, Wilkinson Hubbard, to citizenship in the Cherokee Nation in the year 1868. She avers that she and her husband have been living together continuously since 1843, or until the time of his death some year ago, and that neither had ever been previously married. The representatives of the Cherokee Nation protest against the enrollment of the said Harriett Hubbard for the reason that she was married to her husband Wilkinson Hubbard before his admission to Cherokee citizenship in the year 1868, and states that she wasn't remarried to him after his readmission. For this reason the applicant will be listed for enrollment as a Cherokee citizen by intermarriage, but upon a doubtful card, to await the final decision of the Commission. When it is rendered, she will be notified in writing at her present postoffice address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 17th of September, 1901.

M. W. Jones
MW

Commissioner.

Supl.-C.D.#1225.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of HARRIET HUB-
BARD as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that she could on said date appear before the Commission either in person or by attorney and introduce any further testimony affecting her application. The applicant has this day, to-wit the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Ressen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Ressen

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-1225.

In the matter of the application of Harriett Hubbard
for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--:0:--

The record in this case shows that on September 17, 1901, Harriett Hubbard appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 21, 1902, and again on October 6, 1902.

The evidence shows that the said Harriett Hubbard was lawfully married, in 1843, to one Wilkerson Hubbard, who was re-admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on November 2, 1888. The Cherokee Supreme Court, in the cases of the Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. The said Harriett Hubbard is duly identified upon the Cherokee Census Roll of 1896 as the wife of said Wilkerson Hubbard, who is also duly identified thereon.

The evidence further shows that the said Harriett Hubbard lived with her said husband in the Cherokee Nation continuously since his admission to citizenship up to and including the date of his death, which occurred on September 16, 1900, and that since his death, she had not remarried up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that the said Harriett Hubbard should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

C.F.B.

Cherokee 10012

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Harriett Hubbard as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, September 17, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Harriett Hubbard as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 21, and October 6, 1902, and January 7, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Harriett Hubbard, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such as she may have acquired by virtue of her marriage in the year 1843 to one Wilkinson Hubbard, a Cherokee by blood. That the said Wilkinson Hubbard was not at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, and did not become such until his admission to citizenship therein by the duly constituted authorities of said nation November 2, 1888. Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. Neither the applicant herein nor her husband Wilkinson Hubbard, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Harriett Hubbard is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for such enrollment is accordingly denied.

SIGNED *James H. ...*
Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 1 1907.

927

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. Cherokee D-1225.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Harriett Hubbard for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-258.

REFER IN REPLY TO THE FOLLOWING:

Cherokee 10012.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 2, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting the application for the enrollment of Harriett Hubbard as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Encl.H-71
JMH

Commissioner.

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12283-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 2, 1907, transmitting the record relative to the application for the enrollment of Harriet Hubbard a citizen by intermarriage of the Cherokee Nation. On February 2, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is a white woman claiming her right to enrollment by virtue of her marriage in 1843 to one Wilkinson Hubbard a Cherokee by blood; but that Wilkinson Hubbard did not become a recognized citizen by blood of the Cherokee Nation until his admission to citizenship therein by the duly constituted authorities of the Nation on November 2, 1888. She did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. Neither the applicant nor her husband Wilkinson Hubbard can be identified on the Cherokee authenticated tribal roll of 1880.

Under the decision of the United States Supreme Court, dated November 5, 1906, in the case of Daniel Red Bird et al., vs. the United States, the applicant is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

J.P.E. -HL

D.C.12416-1907

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

LRS

March 1, 1907.

I.T.D. 5294, 5304, 5308, 5314-07
5314, 5332, 5368, 5390- "
5416, 5420, 5436, 5438- "
5444, 5454, 5456, 5458- "
5472, 5480, 5482, 5492- "
5510, 5522, 5528, 5532- "
5540, 5554, " "

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of case.	Date of your letter of transmittal.
Malinda A. Stingle et al.	December 29, 1906
James M. Wilkerson et al.	January 7, 1907
Joseph H. Sundley et al.	January 4, 1907
Mary J. Rogers (intermarried)	February 6, 1907
George W. Garrison et al.	October 19, 1906
Willie T. Richards (intermarried)	February 2, 1907
Viranda Franklin (intermarried)	February 2, 1907
Harriett Hubbard (intermarried)	February 2, 1907
Clara Rose and Coleman L. Abbott	January 25, 1907
Nancy Ward Chandler	January 17, 1907
Nancy J. Hall (intermarried)	January 30, 1907
Thomas York (intermarried)	January 30, 1907
Ann Jones (intermarried)	January 30, 1907
Bertha May Horton	February 9, 1907

Title of case.	Date of your letter of transmittal.
Clara Casey et al.	February 12, 1907
Gilbert E. Loflin	February 1, 1907
Sarah Jane Reeder	February 12, 1907
George Williams	February 12, 1907
Mary E. Palmour (intermarried)	February 8, 1907
Rebecca J. and Anna Caroline Powell	February 12, 1907
Joseph C. Cooper	December 21, 1906
William Oscar Yeates et al.	December 22, 1906
Howard Raymond Heats (freedman)	February 11, 1907
Albert and Goldie Bismuth	February 11, 1907
Thomas Lewis	February 8, 1907
David Henry Lewis	February 1, 1907

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

26 inclosures.

55 inc. to Ind. Of.

AYW
3-1-07

REFER IN REPLY TO THE FOLLOWING:

Cherokee 10012

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting the application for the enrollment of Harriett Hubbard as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-46
JMH

Commissioner.

IN THE MATTER OF THE APPLICATION OF

Harriett Hubbard

VS.

A. Original testimony, Sept 17, 1901

B. Memo. of application Sept 17, 1901

Certificate of admission Nov 2, 1888

Notice of final consideration, 3/21/02

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1226

Cher D 1226

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SEP 21 1960

THE

ACTING CHAIRMAN

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1. 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349

Journal of Management Education

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Bud T. Kell for enrollment as a Cherokee by blood.

Bud T. Kell, appearing before the Commission, and being duly sworn and examined, testified as follows:

- Q What is your name? A Bud T. Kell.
- Q How old are you? A About 44 years old, born August 5, '57.
- Q What is your postoffice address? A Muskogee.
- Q You live in the Creek Nation? A Yes, sir, I have been there as an officer off and on.
- Q You apply for enrollment as a Cherokee by blood? A Cherokee by blood, yes, sir.
- Q What degree of Cherokee blood do you claim? A 1/4.
- Q You apply for anyone besides yourself? A No, sir.
- Q Just yourself? A Yes, sir.
- Q What is the name of your father? A John Talala Kell.
- Q Was your father a Cherokee by blood? A Yes, sir.
- Q Is he living or dead? A Dead; he left this country seven years ago, he had the consumption, and I have never heard of him since, we suppose he is dead.
- Q What is the name of your mother? A Maggie Vickers, a white woman.
- Q Is she living? A No, sir, she is dead, died when I was a child.
- Q Were you born in the Cherokee Nation? A Yes, sir.
- Q Have you always made it your home? A Yes, sir, only when I was sent out in an official capacity; well when I was a boy at one time, when I was about 14 years old, I went to Texas.
- Q How long did you live there? A 3 years, I came back before I was of age.
- Q You are at present an Indian Policeman in the service of the United States Government? A Yes, sir.
- Q And as such you are making your home at Muskogee at the present time? A Yes, sir.
- Q You have property in the Cherokee Nation? A Yes, sir.
- Q Have you a home here? A I have in Canadian district, yes, sir.
- Q That is in the Cherokee Nation? A Yes, sir.
- Q Is your name on the roll of 1880? A No, sir, I was on the strip in 1880.
- Q Is your name on the roll of 1896? A Yes, sir.
- Q Were you ever readmitted to citizenship in the Cherokee Nation after you returned from the strip? A I don't know, Henry Lourey was counseling and I got him to attend to it, but I was in the Government service at the time in the Strip, I was serving as a policeman.
- Q You didn't take an allotment on the strip, did you? A No, sir.
- Q How long were you out there at that time? A I was out there I guess between two and three years.
- Q Were you out there acting as an officer of the Government? A Yes, sir, an Indian Police.
- Q You didn't go there for the purpose of making your home? A No, sir.

The 1880 authenticated roll of Cherokee citizens examined and the applicant not identified thereon.

The 1896 census roll of Cherokee citizens examined and the applicant identified thereon, page 41, No. 1117, Canadian district.

The 1894 pay-roll examined, and the applicant identified thereon, page 55, No. 1188, Canadian district.

Q State briefly for what purpose you were sent to the Cherokee Strip? A I was sent out there to keep off the "boomers."

Q That was before the opening of the Strip? A Yes, sir.

Q How long did you remain there? A I remained there in the

neighborhood of between two or three years.

Q And during those two or three years you were always in the service of the Government as an officer? A Yes, sir, as a United States Indian Police.

Commission: Bud T. Kell applies for the enrollment of himself as a Cherokee by blood. He is identified upon the census roll of 1896 and the strip payment roll of 1904. He is not identified upon the authenticated roll of 1880, but states that he has lived in the Cherokee Nation all his life, having been born and raised here. He states that the reason his name does not appear upon the roll of 1880 is because that at that time he was sent to what was known as the Cherokee Strip as an officer of the United States, for the purpose of protecting the interests of the Cherokee Nation. For the present his name will be placed upon a doubtful card and when the final decision of the Commission is rendered, he will be duly notified in writing at his present postoffice address. He will be listed for enrollment as a Cherokee by blood.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 18th of September, 1901.

W. L. Jones
Notary Public.

"R"

Cherokee D-1226

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 17, 1902.

SUPPLEMENTAL TESTIMONY, in the matter of the application
of Bud T. Kell for enrollment as a Cherokee citizen.

Appearances:

Applicant in person, and by Attorneys Dew M. Wisdom
and I.P. Bledsee.
J.L. Baugh, of attorneys for the Cherokee Nation.

EMILY BENNETT, being sworn and examined testified as follows:

BY COMMISSION:

- Q What is your name? A Emily Bennett.
Q How old are you? A About 62.
Q What is your post-office address? A Muskogee.
BY DEW M. WISDOM:
Q Were you acquainted with a Cherokee Indian named John Talala Kell?
A Yes sir.
Q What relation are you to him? A He is my brother, older than me.
Q Is he older than you? A Yes sir, he is older than me.
Q What has become of John Talala Kell? A Well he taken the consumption and he went south for his health.
Q What time did he leave this country? A Well I am unable to tell you exactly, but it was a few years after the war.
Q Has he been gone over 20 years? A Yes sir; he has been gone a little bit, no, I don't know; I couldn't tell you.
Q He left directly after the war? A Well it was a few years, but I couldn't positively say.
Q You know Bud T. Kell? A Yes sir.
Q He is a son of John Talala Kell? A Yes sir.
Q You are a Cherokee Indian by blood? A Yes sir.
Q You are on the roll? A Yes sir.
Q Recognized as such? A Oh yes.

BY MR. BAUGH:

- Q Do you know why the name of Bud T. Kell don't appear upon the roll of 1880? A I think he was out on business somewhere or another; I couldn't tell you where; I think he was policeman and sent off somewhere.

BY COMMISSION:

- Q Have you known him continuously since his return from the Cherokee Strip, where he claims to have been in 1880? A Well he has been here all the while.
Q He has been living here continuously since that time?
A Yes sir.
Don't know no other place but here.

BUD T. KELL, being sworn and examined, testified as follows:

BY COMMISSION:

- Q What is your name? A Bud T. Kell.
Q How old are you? A I am 45.
Q What is your post-office address? A Muskogee, I. T.
Q You want to make some corrections in the statements that you gave to the Commission when you applied at Fort Gibson? A Yes sir.
Q State briefly what it is? A I understand there was a mistake made that it was seven years since my father left here; what I said at the time was several years.
Q About how long has it been? A I could not exactly tell; it was before the roll of 1880 was made; I was a mere child when he left here.

BY MR. BLEDSOE:

Q Why is it that your name is not on the roll of 1880? A I was out on the Strip, a police.

Q Acting in the capacity of a policeman? A Yes sir.

DEW M. WISDOM, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A Dew M. Wisdom.

Q Your age and post-office? A Muskogee, I. T.

Q How old are you, Colonel? A I might say I don't know;- well I will be 66 years old the 3rd day of next month.

BY MR. BLEDSOE:

Q You know Bud T. Kell? A Yes sir.

Q How long have you known him? A I have known him about 18 or 20 years.

Q You were Indian Agent at one time, in this agency were you not? A Yes sir.

Q Do you know whether Bud T. Kell was acting in the capacity of Indian Policeman or not in 1880? A He was policeman under me all the time that I was Indian Agent, and he was a policeman when I came here first to work in the Indian service in 1885.

Q Was it the duty of these Indian officers, policemen, to go wherever he was required by the Agent? A Oh yes sir, they were subject to the orders of the agency, and they went wherever we ordered them to go; further I will state, that an Indian Policeman or policeman of the agency had to be an Indian by blood; we could not appoint a white man an Indian Policeman. The office was created for the Indians.

BY COMMISSION:

Q Were you the agent when the Strip was opened? A Yes sir.

Q Was Mr. Kell one of your policemen at that time? A Yes sir.

Q And as such official he was ordered to the Strip was he, or do you remember that? A Well I don't ~~know~~, think that I ever ordered ~~him~~ Kell to the Strip himself; perhaps I did once or twice; my understanding is that he was sent to the Strip before; the records of the agency now destroyed all showed that.

Q Do you know of your own knowledge that he was on the Strip about 21 years ago, when that roll was made? A Yes sir, the records of the office showed that he was there putting the cattle boomers out.

Q Any other statement you desire to make as regards this applicant Colonel? A I have no question, no doubt but what he is an Indian.

BY MR. BLEDSOE:

Q You don't know, in handling those records that are now destroyed, whether the name of Bud T. Kell appeared upon there as an Indian Policeman or not when the roll of 1880 was made? A I am satisfied that it did; he was appointed by Colonel Tufts I think, he was agent preceding me.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

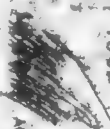
Subscribed and sworn to before me this January 25, 1902.

M.D. Green
[Signature]

Commissioner.

81226

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
F I L H D
APR 6 1902



Acting

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C. D-1226.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 22, 1902.

SUPPLEMENTAL PROCHE DINGS in the matter of the application of
Bud T. Kell for the enrollment of himself as a citizen of the Cherokee
Nation.

Appearances:

E. M. Wisdom, attorney for applicant.

W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter March 3, 1902,
that his application for the enrollment of himself as a citizen
of the Cherokee Nation would be taken up for final consideration by
the Commission at its offices in Muskegee, I. T., on the 22nd day
of March, 1902. Receipt has been acknowledged of the Commission's
letter, and the applicant this day to-wit: the 22nd day of March,
1902, appears by his attorney, E. M. Wisdom.

The attorney for the applicant and the representative of the
Cherokee Nation present submit the case, same is deemed completed
and will be reported to the Commission for final decision based upon
the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Bud T. Kell for enrollment as a citizen by blood of the Cherokee Nation:

DECISION.

The record in this case shows that on September 18, 1901, Bud T. Kell appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for his enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 17, 1902; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The evidence shows that the said Bud T. Kell was born in the Cherokee Nation August 8, 1857; that he is the son of John Talala Kell, a native Cherokee, and his wife, Maggie Kell, a white woman; that he has always resided in the Cherokee Nation with the exception of three years which he spent in Texas before he became of age and also while absent from said nation at different times when in the government's employ as Indian police; that he was serving in such capacity in the strip during the year 1880 and at Muskogee at the date of this application. He is duly identified upon the 1896 census roll of the Cherokee Nation as a native Cherokee and also upon the strip payment roll of 1894.

It is, therefore, the opinion of this Commission that Bud T. Kell should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 25, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this _____

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1226.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,


Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Bud T. Kell for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 16.

Dec 18 1901 ED 1226
IN THE MATTER OF THE APPLICATION OF

Bud T. Kell

FOR ENROLLMENT AS

CHEROKEE CITIZEN

A. Original testimony, Sept. 18, 1901.

B. Memo. of testimony, Sept. 18, 1901.

C. Receipt for testimony.

D. Supplemental testimony, Jan. 17, 1902.

E. Notice of final consideration, 3/22/02.

*Transferred
to Cherokee
#9634*

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1227

Cher D 1227

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Wm. B. Smith

15-12-1954

• contact.com

Cherokees.

**Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.**

In the matter of the application of Mary Hill for the enrollment of herself and one niece as Cherokees by blood.

Mary Hill, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Hill.
Q How old are you? A 19 years old.
Q What is your postoffice address? A Sallisaw.
Q What district do you live in? A Sequoyah.
Q Do you apply to be enrolled as a Cherokee by blood? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Is your name on the roll of 1880? A I couldn't be.
Q Who do you want to enroll besides yourself? A My niece, my sister's child, she is dead.
Q What is your niece's name? A Agnes Brackett.
Q How old is she? A 5 years old.
Q What was your father's name? A Bradford W. Brackett.
Q Is he living? A No, sir.
Q What was your mother's name? A Lucinda.
Q Is she living? A No, sir, she is dead too.
Q What was the mother's name of Agnes Brackett? A Laura Brackett.
Q Is she living? A No, sir, she is dead.
Q Is Laura Brackett a sister of yours? A Yes, sir.
Q How long has she been dead? A She has been dead about four years.
Q How old is Agnes? A 5 years old.
Q Is Agnes got any guardian? A None but me.
Q She is living with you? A Yes, sir.
Q Her father living? A I can't tell you whether he is or not, I don't know.
Q You are raising the child, are you? A Yes, sir.
Q Was your father a Cherokee? A Yes, sir.
Q Your mother? A No, sir.
Q Your mother was a white woman? A Yes, sir.
Mr. W.W. Hastings, Cherokee Representative: Have you got a certificate of admission? A You all have got it, John W. Brackett left it with you when you were at Muskogee last winter.
Commissioner: Who is John W. Brackett? A He is my brother.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Charley Hill.

Commissioner: Applicant presents a certified copy of a certificate of admission, stating that, at the office of the Commission on citizenship, Tahlequah, Cherokee Nation, the 16th day of August, 1889, among others, one Mary Brackett, the child of Bradford W. Brackett, was admitted to Cherokee citizenship, and also that said certificate shows that Laura Brackett, a sister of the said Mary Brackett and daughter of Bradford W. Brackett, was admitted to Cherokee citizenship; said admission being recorded in Booklet B, Page 381, the certificate being certified to by Robert T. Hanks, Assistant Executive Secretary, under the great seal of the Cherokee Nation. The original certificate is filed in the matter of the application of John W. Brackett, Card D-1082.

The 1896 census roll of Cherokee citizens examined, and the applicants identified thereon as follows:

Mary Hill on page 1087, No. 222, Sequoyah district, as
Mary J. Brackett;

Agnes Brackett on page 1057, No. 289, Sequoyah district, as Agnes Brackett;

Laura Brackett on page 1057, No. 263, Sequoyah district, as Laura Brackett.

Q How long have you lived in the Cherokee Nation? A Six years.

Q Where did you come from to the Cherokee Nation? A Georgia.

Q Came from the State of Georgia six years ago? A Yes, sir.

Q Where was Agnes born? A In the Cherokee Nation.

Q Did Laura come to the Cherokee Nation at the same time you did? A Yes, sir.

Q You been living in the Cherokee Nation ever since? A Yes, sir.

Q Agnes is living now, is she? A Yes, sir.

Mr. Hastings: What time of the year did you come six years ago?

A In March.

Q Of that year? A Of 1896.

Q In March of 1896? A Yes, sir.

Q Did your father come at the same time? A No, sir, he came in November before that.

Q In November of 1895? A Yes, sir.

Q And the rest of your father's family in November of 1895?

A No, sir, they all came in March.

Q The rest of them came in March of 1896? A Yes, sir.

Q Of what did your father's family consist when you all arrived here in 1896? I understand that some of you came in the fall, but when you all got out here in 1896, who of your father's family was here at that time? A Well, Laura and John Brackett and myself and Jeff Brackett and Tom and Allen, he died after we came.

Q Now which ones came in the fall of 1895? A Just my father.

Q In November of 1895? A Yes, sir.

Commissioner: What did you say your husband's name was? A Charley Hill.

Q When were you married to him? A This coming October two years.

Q Is he a citizen? A No, sir.

Q A non citizen? A Yes, sir.

Q You have no children? A No.

Mr. Hastings: The representatives of the Cherokee Nation call attention to the act of December 4, 1894, being an act with reference to the return of people admitted to citizenship, within six months from that date, in the Cherokee Nation, and they ask that the testimony taken in this case be made supplemental testimony in the case of John W. Brackett, D-1082.

Commissioner: Mary Hill applies for the enrollment of herself and her niece, Agnes Brackett. She avers that she is the daughter of Bradford W. Brackett. She presents satisfactory proof of her admission to Cherokee citizenship, more particularly described in the testimony. She is duly identified upon the census roll of 1896. She avers that her sister, Laura Brackett, now deceased, had a child named Agnes -

Q as this child named Agnes Brackett? A Yes, sir.

Q Laura wasn't married then? A No, sir.

- had a child named Agnes, and that she is now the custodian of said child, and the name of the said Agnes Brackett is identified upon the census roll of 1896, all according to name and number of the roll as indicated in the testimony. The applicant avers that she and her sister Laura removed with their father to the Cherokee Nation about six years ago. She avers that she is married to one Charley Hill, a non citizen, and she accounts for the difference in her name between Brackett and Hill. By reason of the fact of her recent removal to the Cherokee Nation and the protest of the representative present, said Mary Hill and her niece, Agnes Brackett, will be now listed for enrollment as Cherokee citizens upon a

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WASHINGTON, D. C.

doubtful card, awaiting further consideration of the commission, and she will be notified at her postoffice address of the decision of the commission, when the same is arrived at.

The Cherokee Nation prays that the testimony taken herein may be made part of the record in the case of John W. Brackett, who is listed for enrollment on Cherokee Band 1022, and the same is ordered.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 27th of September, 1901.

C. R. Bucknidge

Commissioner.

Supl.-C.D.#1227.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARY HILL, ET AL. , as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her case. The applicant having this day, to-wit: the 22d day of March, 1902, been called, and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOoo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 18th 1902.

In the matter of the application of Mary Hill for the enrollment of her self and her niece Agnes Brackett as citizens by blood of the Cherokee nation.

Cherokee D 1122 1227.

Protest of the Cherokee nation.

Come now the Cherokee nation and protests against the decision of the Commission rendered on December 10th 1902 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The testimony in this case shows that Mary Hill, nee Brackett and Laura Brackett, the mother of Agnes Brackett came to the Cherokee nation in March of 1896 and that Agnes Brackett was born to Laura Brackett after her arrival in the Cherokee Nation. The testimony further shows that they were readmitted on August 16, 1899. The act of Congress approved June 10th 1896 requires that the United States Commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States in making the rolls of citizenship of said tribe. Now the Cherokee National Council passed the act of December 4th 1894 as follows: "That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee nation are hereby required to permanently locate within the limits of the Cherokee nation within six months after the passage of this act or from the date of readmission of persons hereafter readmitted or no rights whatever shall accrue to such persons by reason of such a readmission, provided that nothing in this act shall bar minors and orphans."

The decision of the Commission states that Mary Hill and Laura Brackett the mother of Agnes Brackett were "Duly identified upon the 1896 census roll of said nation wherein it was shown that they were minors." This is not correct; upon examination of the 1896 census roll the name of Laura Brackett is found and her age is given as "30 years" and under both

the laws of the Cherokee nation and of the United States in force in this country a girl is of age at eighteen years and therefore Laura Brackett the mother of Agnes Brackett who was not then born, was not a minor but was of age and she clearly forfeited her rights as did her father Bradford W. Brackett by not complying with the above act of the Cherokee National Council. While the evidence and the 1896 roll shows that the other applicant Mary Hill was a minor yet the testimony shows that her father was alive and that she was not therefore an orphan and the only proper construction that can be placed upon said act is that it was not intended to bar minors who were orphans; in other words in order not to be barred they must have been both minors and orphans together; In this case the father of Mary Hill was alive; he did not come to the Cherokee nation until November 1895 too late to acquire citizenship under the act of the National Council approved December 4th 1894 and we contend that her citizenship follows the father.

The Commission held in the case of Herley E. Gouy Cherokee D 831 on November 20th 1902 that the above act of the National Council was binding upon it and rejected the applicant because she had not complied with that act of the National Council.

Clearly the case of Laura Brackett, the mother of Agnes Brackett is a parallel case to that of Herley E. Gouy and we see no reason why the decisions of the Commission should not be uniform.

We submit further that we do not believe that either of the applicants under our view of the law is entitled to enrollment as citizens of the Cherokee nation.

Respectfully submitted,

W W Hastings
Attorney for the Cherokee nation.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. December 18th 1902.

In the matter of the application of Mary Hill for the enrollment of herself and her niece Agnes Brackett as citizens by blood of the Cherokee Nation.

Cherokee D 1227.

Motion to Copy Record,

Whereas the decision of the Commission rendered in the above case on December 10th 1896 1902 alleges that the names of the applicants Mary Hill and the mother of Agnes Brackett, Laura Brackett, appear upon the roll of 1896, and

Whereas, said decision avers that said roll shows that they were minors at that time, and

Whereas, the undersigned representative of the Cherokee Nation has examined said roll and knows that said statement contained in the decision of the Commission is incorrect, therefore the Cherokee nation most respectfully moves the Commission to have that part of the Cherokee roll of 1896 copied showing the entire family of Bradford W. Brackett including the names of ~~James~~ Laura Brackett, and Mary Hill nee Brackett, together with their ages in 1896 and that the same be attached to this record and forwarded to the Honorable Secretary of the Interior for review.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes

Winita, I. T. March 14th 1903.

In the matter of the application of Mary Hill for the enrollment of her self and her niece Agnes Brackett as citizens by blood of the Cherokee Nation.

Cherokee D 1227.

Protest of the Cherokee Nation.

Comes now the Cherokee nation and respectfully protests against the decision of the Commission rendered in this case on March 2nd 1903 and asks that same be forwarded to the Honorable Secretary of the Interior for review.

The testimony in this case shows that Mary Hill nee Brackett and Laura Brackett the mother of Agnes Brackett came to the Cherokee Nation in March 1896 and that Agnes Brackett was born to Laura Brackett after her arrival in the Cherokee Nation.

The testimony further shows that they were readmitted on August 16, 1889 by what was known as the Ross Court, as W. P. Ross was the Chairman of that court and this was a continuation of the Adair Court created by the Act of the National Council of December 8, 1886 but the terms of the office of the members of the Commission expired and the act was amended by the Act of December 5, 1888 and the personnell of the Court changed. It will be observed that the applicants were readmitted on August 16, 1889 or after the amended act of the National Council passed December 5th 1888.

Section six of this act provides (Act of Dec 5, 1888) "Be It Further Enacted that all persons to whom certificates of citizenship shall be issued by the decree of the Commission on Citizenship created by this act shall be required as a condition precedent to the delivering of said certificates to return to and permanently locate within the limits of the Cherokee Nation and it shall be further the duty of all such persons to enroll their names with the names of their families, if any such, at the date of their ~~xxxxxxx~~ arrival within the limits of the Nation in a book to be kept for that purpose in the office of the Principal Chief and no

certificate of citizenship issued by said commission shall entitle and applicant for admission into the Cherokee Nation for not a longer period than one year from its date, who shall fail to become a bona fide citizen within that period."

The applicants admit that they did not come to the Cherokee Nation until 1896 or seven years after they were readmitted in August 1889 and therefore under the terms of their admission they were not entitled to be enrolled as citizens of the Cherokee Nation.

Again it will be observed that these parties do not have certificates of readmission signed by the Principal Chief but only have certified copies of the original judgments. They do not have the certificates because they were not entitled to have them because they did not come within the time prescribed by the act under which they were admitted. The Act of Congress of June 10th 1896 requires that the United States Commission shall respect all laws of the several tribes or Nations not inconsistent with the laws of the United States in making the rolls of citizens of said tribes. The Cherokee National Council passed an Act of December 4th 1894 as follows: "That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months after the passage of this act or from the date of readmission of persons hereafter readmitted or no rights whatever shall accrue to such persons by reason of such readmission provided that nothing in this act shall bar miners and orphans."

The decision of the Commission finds that Mary Hill was thirteen years old in 1896, and that Laura Brackett the mother of Agnes Brackett was twenty years old at that time. Under both the laws of the Cherokee Nation and the laws of the United States in force in this country a girl is of age at eighteen years and therefore Laura Brackett the mother of Agnes Brackett who was not then born was not a minor but was of age and she clearly forfeited her rights as did her father Bradford V. Brackett by not complying with the provisions of the above act of the National Council, provided she ever acquired any when she was readmitted, which we deny.. While the evidence and the 1896 roll shows that the other applicant Mary Hill was a minor yet the testimony shows that her father was alive and that she was not therefore an orphan and the only proper com-

struction that can be placed upon said act is that it was not intended to bar miners who were orphans; in other words in order not to be barred they must have been both miners and orphans together; in this case the father of Mary Hill was a live; he did not come to the Cherokee nation until November 1895; too late to acquire citizenship under the acts of the National Council of December 5th 1888 and December 4th 1894 and we contend that her citizenship follows the father.

Suppose we put any other construction on this act then an orphan never would be barred and it certainly was not the intention of Council to make an exception in favor of an orphan child who was twenty-five years or more of age but it was the intention to make the exception of that orphan who was a miner or that minor who was an orphan; in other words they must be both.

Again the Commission held in the case of Berley H Gony Cherokee D D 831 on November 20th 1902 that the above act of the National Council was binding upon it and rejected the applicant because she had not complied with that act of the National Council. Clearly the case of Laura Brackett the mother of Agnes Brackett is a parallel case to that of Berley H Gony except that Laura Brackett forfeited her rights under both acts of the National Council; December 5 1888 and December 4th 1894; or rather she never acquired any rights under either. Neither of these applicants acquired any rights to citizenship in the Cherokee Nation because their were conditions attached to their readmission that were never complied with hence they had no citizenship to forfeit. We see no reason why the decisions of the Commission should not be uniform and ~~the~~ the reasoning in the Berley H Gony case should not apply to this case.

We submit that we do not believe that either of the applicants under our view of the law should be enrolled as citizens of the Cherokee Nation ~~and that the Commission's decision is erroneous and should be reversed.~~

Respectfully Submitted,

W W Hastings
Attorney for the Cherokee Nation.

Cherokee D. 1887.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

It is the duty of the Commission to report to the Department of the Interior, and to the public, the results of its investigations, and to the public, the results of its investigations, and to the public, the results of its investigations.

CHEROKEE D. 1887.

The report of the Commission to the Department of the Interior, and to the public, the results of its investigations, and to the public, the results of its investigations, and to the public, the results of its investigations.

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and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were in or over their parents were an adult at the time of their death.

It is further shown that said Mary died on February 21, 1907, and that to that effect is made a part of the record herein.

Section twenty-five of the act of Congress approved July 1, 1906 (34 Stat. 225), is so amended as to read: "That section

"That all of the members of the Cherokee Nation shall be made a part of the list, nineteen hundred and two, of the names of all persons that have been entitled to enrollment, that the name of the said Mary shall be placed on said list, and the said list shall be placed in the hands of the Civilian Commission."

It is, therefore, the order of this Commission that Agnes Bixby, the wife of the said Mary Bixby, be and she is hereby ordered to be placed on the list of section twenty-five of the act of Congress approved July 1, 1906 (34 Stat. 225), and she is so ordered.

It is further ordered by this Commission that the said Agnes Bixby be and she is hereby ordered to be placed on the list of section twenty-five of the act of Congress approved July 1, 1906 (34 Stat. 225), and she is so ordered.

COMMISSIONER OF THE CHEROKEE NATION.

(SIGNED)

Tame Bixby

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

W. E. Stanley

Commissioner.

Done at Muskogee, T. C.,

this JUN 1 - 1903

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DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Tahlequah, I. T. July 21, 1903.

In the matter of the application of Mary Will for the enrollment of herself and her niece Agnes Brackett as citizens of the Cherokee Nation.

Cherokee N. 1227.

Protects the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision of the Commission dated June 1st 1903 ordering Agnes Brackett enrolled as a citizen by blood of the Cherokee Nation and prays a writ to the Honorable Secretary of the Interior.

The testimony in this case shows that Mary Will (the Brackett) and Laura Brackett, the mother of Agnes Brackett, came to the Cherokee Nation in March 1896, and that Agnes Brackett was born to Laura Brackett after her arrival in the Cherokee Nation.

The testimony further shows that they were readmitted on August 1st, 1899 by the National Council of the Cherokee Nation, and that they were enrolled as citizens of the Cherokee Nation by the act of the National Council of December 31, 1899. The testimony also shows that the act of the National Council of December 31, 1899, was the act of the National Council of the Cherokee Nation, and that the act of December 31, 1899, was the act of the National Council of the Cherokee Nation. It will be observed that the applicants were readmitted on August 1st 1899 after the amended act of the National Council passed December 31st 1899.

Section six of this act provides (Act of Dec 31 1899):

"That all persons to whom naturalization was granted, shall be required by the decree of the Commission on citizenship created by this act shall be required as a condition precedent to the delivery of said certificate to return to and permanently locate within the limits of the Cherokee Nation and it shall be further the duty of said persons to enroll their names with the names of their families, if any such, at the date of their arrival within the limits of the Nation in a book to be kept for that purpose in the office of the Principal Chief and no certificate of citizenship issued by said commission shall entitle an applicant for admission into the Cherokee Nation for not a longer period than one year from its date, who shall fail to become a bona fide citizen of this Nation that period."

The applicants admit, and the Commission in its decisions finds, that they did not come to the Cherokee Nation until March 1896, or seven years after they were readmitted in August 1899, and therefore under the terms of their readmission they did not acquire any rights as citizens of the Cherokee Nation therefore Agnes Brackett should not be enrolled by

by the Commission ~~at this time~~ as a citizen by blood of the Cherokee Nation.

Again it will be observed that these parties did not have certificates of readmission signed by the Principal Chief but only have certified copies of the original judgments. They did not have the certificates because they were not entitled to have them because they did not come within the time prescribed by the act under which they were readmitted.

The act of Congress of June 10, 1896 requires that the United States Commission shall respect all laws of the several tribes or nations not inconsistent with the laws of the United States in making the rolls of citizenship of said tribes. The Cherokee National Council passed an Act December 4th 1894 as follows:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months after the passage of this act or from the date of the readmission of persons hereafter readmitted or no rights whatever shall accrue to such persons by reason of such readmission, provided nothing in this act shall bar minors and orphans."

The decision of the Commission finds that Mary Hill was thirteen years old in 1896 and that Laura Brackett, mother of Agnes Brackett was twenty years old at that time. Under both the laws of the Cherokee Nation and the laws of the United States in force in this country a girl is of age at eighteen years in the Cherokee Nation, therefore Laura Brackett the mother of Agnes Brackett the applicant, who was not then born was not a minor but was of age and she clearly forfeited her rights as did her father Bradford W. Brackett by not complying with the provisions of the above act of the National Council, provided she ever acquired any when she was readmitted. The evidence shows that Laura Brackett, the mother of Agnes Brackett, was twenty years old in 1896 and it is presumed that she was of age long before the act of December 4th 1894 was passed.

Suppose, for the sake of argument, that she was a minor in 1896 (Which the testimony, the finding of the Commission as to her age and the 1896 roll shows she was not a minor then) yet the testimony shows that the father of Laura Brackett was a live and that she was not therefore an orphan and the only proper construction that can be placed upon the act of December 4th 1894 is that it was not intended to bar minors who were orphans; in other words in order not to be barred they must have been both minors and orphans; in this case the father of Laura Brackett was alive; he did not come to the Cherokee Nation until November 1895 too late

to acquire citizenship under the acts of the National Council of December 5th 1888 and December 4th 1894.

Suppose we put any other construction on this act then an orphan would never be barred and it was certainly not the intention of the National Council to make an exception in favor of an orphan child who was twenty-five years old but it was the intention to make the exception of that orphan who was a minor or that minor who was an orphan; in other words they must be both.

But in this case Laura Brackett the mother of Agnes Brackett was neither ; we contend that she never acquired any rights because she did not comply with the act readmitting her; that if it is held that she did acquire rights that she lost them by failing to comply with the act of December 4th 1894 because she was of age and bound by the act of December 4th 1894. Agnes Brackett derives her right through her mother and if her mother never acquired any rights of citizenship during her life time then Agnes Brackett never acquired any.

The Commission held in the case of Berley E. Geuy et al Cherokee D 231 on November 20th 1902 that the act of the National Council of December 4th 1894 was binding upon it and rejected the applicant in that case because she did not comply with that act of the National Council.. Clearly and unquestionably the case of Laura Brackett mother of Agnes Brackett is a parallel case to that of Berley E Geuy except that Laura Brackett forfeited her rights under both acts of the National Council, to wit December 5th, 1888 and December 4th 1894; or rather she never acquired any rights under either.

Laura Brackett never acquired any rights of citizenship in the Cherokee Nation because there were conditions attached to her readmission that were never complied with hence she had no citizenship to forfeit and if she never acquired any citizenship in the Cherokee Nation then Agnes Brackett never acquired any. We see no reason why the decisions of the Commission should not be uniform and that the reasoning in the Berley E. Geuy case should not apply to this case.

We submit that we do not believe that, under our view of the law, ~~that~~ Agnes Brackett is entitled to be enrolled as a citizen of the Cherokee Nation and that this erroneous decision should be reversed and we believe this application should be refused.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

COMMISSIONERS:
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYKESWORTH,
SECRETARY

LA

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1227.

Muskogee, Indian Territory, July 9, 1903.

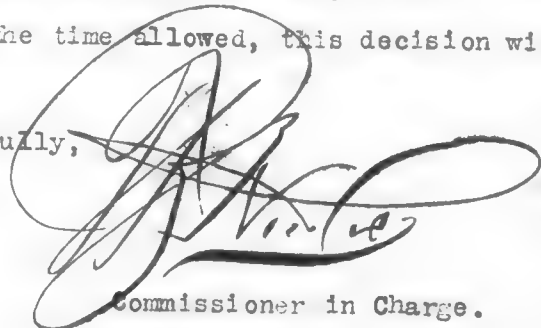
W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of Mary Hill for the enrollment of her niece, Agnes Brackett, as a citizen by blood of the Cherokee Nation, and dismissing her application for the enrollment of herself as a citizen by blood of said Nation, she having died on February 23, 1902.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-1.

mdg

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1227

ALLISON L. AYERSWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting the application for the enrollment of Agnes Brackett as a citizen by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mary Hill, was affirmed by the Secretary of the Interior on September 5, 1903.

Respectfully,



Chairman.

~~Heermann - D₁₂₂~~
~~IN THE MATTER OF THE APPLICATION OF~~

~~Mary Hill et al.~~

~~FOR ENROLLMENT AS~~

~~CHIEF MEMBERS~~

- ~~Q Original testimony Feb 25-1901~~
- ~~R Memo of application Feb 25-1901~~
- ~~Notice of final consideration, 3/22/02~~

Ca.
to

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10/10/1901

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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by the United States from his former wife, Eliza J. Martin, on the 10th of February, 1899. The applicant makes satisfactory proof as to his residence, but by reason of the fact of the marriage and the protest of the Cherokee Nation as to the enrollment of said David A. Martin they contending that the said applicant has forfeited his citizenship by reason of his divorce from his former wife, the said Eliza J. Martin will be listed for enrollment as a Cherokee citizen by intermarriage upon a doubtful card, awaiting the further consideration of the Commission. He will be notified by mail at his postoffice address of the action of the Commission when arrived at. He will also be allowed to present any testimony he desires as to the true matter of his divorce and the abandonment of his former wife.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 27th of September, 1901.

C. A. [Signature]
[Signature]

Cherokee.
File with Davis A. Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of David A. Martin for the enrollment of himself as a Cherokee by intermarriage, and for the enrollment of his wife, Clarinda Martin and six children, as Cherokees by blood.

David A. Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A David A. Martin.
Q What is your age? A 43.
Q Your postoffice address? A Texanna.
Q What district do you live in? A Canadian.
Q Do you apply to be listed for enrollment as a Cherokee by blood?
A By adoption, by marriage.
Q For whom else do you apply besides yourself? A My wife and family.
Q How much family, wife and how many children? A There is seven.
Q What is your wife's name? A Clarinda.
Q How old is she? A 41.
Q Give me the names of your children? The oldest children first?
A The oldest one is married.
Q Well those that are under age and living with you at home?
A George Lowrey, she has been married before.
Q Well then these are not your children that you apply for?
A No, sir, they are stepchildren.
Q How old is George Lowrey? A 17 years old last May.
Q The next child? A Ellis Lowrey.
Q How old is Ellis? A 15 years old.
Q The next one? A Emma Lowrey? A
Q How old is Emma? A 12 years old.
Q The next one? A Henry Lowrey, 10 years old.
Q The next one? A Carrie Lowrey, 9 years old.
Q Next one? A Moses Lowrey, 8 years old.
Q The next one? A David Elmer Martin, 11 months old.
Q Are you a citizen of the Cherokee Nation by blood yourself?
A No, sir, by marriage.
Q Is your wife's name on the roll of 1880? A Yes, sir.
Q What is her father's name? A Ratcliffe.
Q You know his first name? A Jeff.
Q Is he living? A No, sir.
Q What is her mother's name? A Ann.
Q Is she living? A Yes, sir.
Q Was your wife ever married before she married you? A No, sir.
Q She never was married before she married you? A No, sir.
Q She never married to Lowrey? A This woman was married to Lowrey.
Q That is what I asked you? A I thought you mean that first wife.
Q I am not talking about your first wife. A Yes, she was married to Jim Lowrey.
Q Was Jim Lowrey living when she married you? A No, sir, he was dead.
Q Was she ever married before that? A No, sir.
Q What evidence have you got of your marriage? A My marriage now? (hands Commissioner paper.)
Commissioner: Applicant presents a marriage license issued by the United States authorities at Muskogee, certifying that he was married according to laws of the United States on the 29th of March, 1899, to one Clarinda Lowrey, a citizen of the Cherokee Nation. The applicant also presents satisfactory proof of birth as to his child, David E. Martin.
Q Were you ever married before you married Mrs. Lowrey?
A Yes, sir. (hands Commissioner paper.)
Q Was your wife living when you married Mrs. Lowrey? A Yes, sir.

Q You hadn't been divorced from her? A Yes, sir.

Commissioner: The applicant presents a certified copy of a divorce, certifying that by the United States Court, on the 10th of February, 1899, he was legally divorced from Eliza J. Martin, his former wife.

The 1880 authenticated roll of Cherokee citizens examined and the applicant, Clarinda Martin, identified thereon, page 32, No. 870, Canadian district, as Clarinda Lowrey, native Cherokee.

The 1896 census roll of Cherokee citizens examined and the applicants identified thereon as follows:

Clarinda Martin on page 43, No. 1172, Canadian district, as Clarinda Lowrey;

George Lowrey on page 43, No. 1174, Canadian district;

Ellis Lowrey on page 43, No. 1175, Canadian district;

Emma Lowrey on page 43, No. 1176, Canadian district;

Henry Lowrey on page 43, No. 1177, Canadian district;

Carrie Lowrey on page 43, No. 1178, Canadian district;

Moses Lowrey on page 43, No. 1179, Canadian district, as Mose Lowrey.

CLARINDA MARTIN, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Clarinda Martin.

Q Are you the wife of the applicant, Dave Martin? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation, Canadian district.

Q And these children, George, Ellis, Emma, Henry, Carrie and Moses, they are your children? A Yes, sir.

Q Are they all living at this time? A Yes, sir.

Q Living with you and your family? A Yes, sir.

Q You have one other child, David? A Yes, sir, David Martin.

Q That is a child by your present husband? A Yes, sir.

Mr. Hastings: You have been married before? A Married to Mr. Lowrey, yes, sir.

Q Only once before? A Yes, sir.

Q Mr. Lowrey living or dead? A No, sir, he was dead.

Q Dead before you married Mr. Martin? A Yes, sir, he has been dead over three years.

Q Your child Lucinda living at home? A No, sir, she is at home.

Commissioner: David A. Martin applies for the enrollment of himself as an intermarried citizen and for his wife, Clarinda and her six children, to-wit, George, Ellis, Emma, Henry, Carrie and Moses Lowrey, and David E. Martin, as Cherokee citizens by blood. The applicant presents a marriage certificate certifying that he was married according to the laws of the United States in 1899, too late under the laws of the Cherokee Nation for intermarried citizens to acquire any rights, consequently the applicant, David A. Martin, will be rejected.

From an examination of the roll of 1880, the name of Clarinda Martin, a native Cherokee, the wife of the applicant, is found by the name of Clarinda Lowrey, that having been her married name before her marriage to the applicant. She is duly identified also upon the census roll of 1896 as Clarinda Lowrey. The names of the children as enumerated herein are duly identified upon the census roll of 1896, with the exception of the child, David E. Martin, the child of her present husband, and satisfactory proof is presented as to the birth of the said David E. Martin. Satisfactory proof is made as to residence, and they are all duly identified according to page and number of the roll as indicated in the testimony, consequently Clarinda Martin, nee Clarinda Lowrey, and her

children as enumerated herein will be listed for enrollment as Cherokee citizens by blood.

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Additional testimony in case of Davis A. Martin.

David A. Martin, recalled, testified as follows:

Commissioner: Were you ever married before you married your present wife? A This woman here, yes, sir.

Q What was your former wife's name? A Eliza Ratcliffe.

Q When were you married to her? A 1878.

Q Was she a Cherokee by blood? A Yes, sir, Cherokee by blood.

Q Did you live with her until her death? A I lived with her until we separated.

Q Then you got a divorce from her? A Yes, sir.

Q After you procured a divorce you married your present wife?

A Yes, sir, both Cherokees.

Q Were you ever married before? A Before the first woman here, no, sir.

Q Clarinda then is your second wife? A Yes, sir.

Q Is Eliza, your former wife, living? A Yes, sir.

Q Well it appears from the certificate of divorce that you present that you are the plaintiff in the case; you sued your wife Eliza for a divorce did you? A Yes, sir.

Mr. Hastings: Your first wife was Eliza? A Yes, sir.

Q Where were you living when you separated from her? A I was living here in three miles of Fort Gibson on the bayou.

Q Did you have a home there? A Yes, sir.

Q Did you leave the home or did she? A Well, I guess I was the one that left, I went away, I gave her the place, her and the child.

Q You left her and her child there? A Yes, sir.

Q When was that? A That was along in '88 or '9, somewhere along in there.

Q You lived with her about ten years? A Ten or twelve years.

Q Where you been living since then, up to your marriage to your present wife? A Well, for a while, from the time I left her I been first one place and another, working for wages to school my child.

Q Where? A Right down in the Creek Nation to Muskogee and sometimes in the Chickasaw and sometimes in the Cherokee, wherever I could get work that I could get money to furnish my child schooling; I had her there at Kendall College, the daughter of Eliza Martin.

Q Had you ever separated from your wife before that separation?

A Yes, she quit me twice before that.

Q You quit her the last time? A Yes, sir.

Q And left her at home? A Yes, I wouldn't leave her till I got her a home, she left me and I supposed she would have to go to somebody else's kitchen and it didn't suit me, I wanted to see her independent, we couldn't get along but I said I would see her through.

Q In this divorce proceedings at Muskogee was she present?

A Yes, she was against me.

Q I mean was she herself personally, bodily, present? A I don't know whether she was or not.

Q You were present yourself? A I don't know, she was ~~present~~ there in town.

Q Don't evade the question, tell me whether, when you took your testimony before the Master, this woman was there and heard what you said, and testified herself; you know whether she was or not?

A Yes, she was there.

Q Now when was that? A I don't recollect the date.

Q She was present when the testimony was taken in this case before the Master in Chancery? A Yes.

Q At Muskogee? A Yes.

Commissioner: Did she have an attorney? A Yes, sir

Q WHO was her attorney? A I can't speak his name, Marcum.

Q Col. Marcum was her attorney? A Yes, sir.

The 1880 authenticated roll of Cherokee citizens examined and the applicant, David A. Martin, identified thereon, page 33, No. 891, Canadian district, as Dave Martin, intermarried white.

Mr. Hastings: What ground did you allege in your complaint for the divorce? A Well, it was abuse, and she quit me, and I was drove away from her when I left there, by abuse, by mean names, and scornful treatment; there is men here that can say the same.

Q You say you left her at home, did you? A Yes, sir, I made her a good home before I left; I gave her half of everything here before the clerk, and me and her come and settled everything satisfactorily, signed up in the Clerk's office, Tom Thornton was clerk at the time, and I and her and witnesses come and fixed everything satisfactorily and she was in a hurry for me to go, and I told her if she would go before the clerk and have these things all fixed up satisfactorily I would go, and after I went away and was working for C. W. Turner, the boss there on the ranch to get something to school the girl, and after that I seen I couldn't live with her satisfactorily, couldn't please her anyway, I just sued for a divorce to be loose and easy and she sued me then for \$1000 to school the child when I was schooling her myself, and half of everything I had after my dividing satisfactorily in the Clerk's office.

Q Was that determined in this suit? A Yes, sir.

Q In that divorce? A Yes, sir.

Q She didn't get any judgment against you? A No, sir, no judgment against me, the papers show that themselves.

Q This suit was all determined in this one suit, was it? A Yes, sir.

Commissioner: You left her home there? A Yes, sir.

Q How much of a home was it? A It was something like forty acres in cultivation, two good renters houses, and everything furnished there, and a good home place for her to life in, water and everything.

Q Any stock? A I had fifteen head of cattle and thirty or forty head of hogs and one horse I gave the little girl.

Q Left all your property there at home? A Yes, sir.

Q Where is the child now? A It is with her now.

Q With her? A Yes, sir, if not, at the seminary at Tahlequah.

Q Are you paying any expenses of the child now? A No, sir, not since I married.

Q You did though before you married? A Yes, I did all the time; I believe I did too, I gave her seven or eight or ten dollars worth of clothing to go to this Baptist University out here, since I married this last time.

Q Now have you any witnesses here you would like to introduce as to the cause of the divorce between yourself and your wife, as to the manner way you treated her or she treated you; you can do that later if you want to. A All right sir.

Q Have you lived continuously in the Cherokee Nation since 1880?

A I lived in the Cherokee Nation up till time me and my wife separated and then I had no home, I was here and wherever I could get wages.

Q You living in the Cherokee Nation now? A Yes, sir, I am in the Cherokee Nation now and have been for five, six or seven years.

Commissioner: The applicant also avers that he was married in the year 1878 to one Eliza Ratcliffe, a Cherokee citizen by blood, and upon an examination of the authenticated roll of 1880 his name is found thereon, according to page and number of the roll as indicated in the testimony, as an intermarried citizen. The applicant also presents a certified copy of the decree of divorce, certifying that he was legally divorced

by the United States Court from his former wife, Eliza J. Martin, on the 18th of February, 1899. The applicant makes satisfactory proof as to his residence, but by reason of the fact of the divorce and the protest of the Cherokee Nation as to the enrollment of said David A. Martin, they contending that the said applicant has forfeited his citizenship by reason of his divorce from his former wife, the said David A. Martin will be listed for enrollment as a Cherokee citizen by intermarriage upon a doubtful card, awaiting the further consideration of the Commission. He will be notified by mail at his postoffice address of the action of the Commission when arrived at. He will also be allowed to present any testimony he desires as to the ~~time~~ matter of his divorce and the abandonment of his former wife.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 27th of September, 1901.

*C. R. Bucknare -
Commissioner -*

B

W1/228

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1901

 ACTING CHAIRMAN

823/0

Canadian District
CHEROKEES BY BLOOD AND ADOPTION.

43
 Name *David A. Martin* Date *Sept 25* 190*9*
 District *Leam.* Year *1880* Page *33* No. *891*
 Citizen by blood *No.* Mother's citizenship
 Intermarried citizen *yes.*
 Married under what law Date of marriage
 License Certificate
 Wife's name
 District Year Page No.
 Citizen by blood Mother's citizenship
 Intermarried citizen
 Married under what law Date of marriage
 License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Application by No. 1.
 No. 1 on 1880 Roll

as *Stenographer B. L. Jones,*
David Martin.

X Ref

CERTIFICATE OF RECORD.

United States of America,

INDIAN TERRITORY,
Northern District. } ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 20 day of March 1894, at M., and duly recorded in Book Marriage Record, Page 440.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,

this 3 day of

A. D. 189

J. A. Winston,
Clerk.

By

Deputy.

ACTING CHAIRMAN.

FILED
MAR 30 1899

J. A. Winston
Clerk

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
P. T. D.
SEP 25 1901

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } ss.
Northern District.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 30 day of March 1899, at M., and duly recorded in Book Marriage Record, Page 490

WITNESS my hand and seal of said Court at Muscogee, in said Territory,

this 31 day of March A.D. 1899
Jas. A. Winston, Clerk.

By

Deputy.

FILED
MAR 30 1899
Jas. A. Winston

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
P. I. T. T. D.
SEP 25 1901

ACTING CHAIRMAN

MARRIAGE LICENSE



United States of America, }
INDIAN TERRITORY,
Northern District.

ss.

NO 1705

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the
Banns of Matrimony between Mr. *Sam Martin*
of *Devanna*, in the Indian Territory, aged *42* years, and
Mrs. *Clarinda Lawrence*, of *Devanna*, in the
Indian Territory, aged *40* years, according to law, and do you officially sign and return this
License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this *28* day of
March, A.D. 189*9*.

Jacobson
Clerk of the U.S. Court.

By

W. Young Deputy.

CERTIFICATE OF MARRIAGE



United States of America, }
INDIAN TERRITORY,
Northern District.

ss.

I, *Young Coleman*, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the *29* day of *March*, A.D. 189*9*,
I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish
the Banns of Matrimony between the parties therein named.

WITNESS my hand this *29* day of *March*, A.D. 189*9*.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,
Book *A*, Page *31*.

Y. Coleman
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District,
Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the
amount of One Hundred Dollars (\$100.00).

Subscribed and sworn to before me this September 30th, 1901.

True and complete transcript of his stenographic notes thereof.
testimony and proceedings in this case and that the foregoing is a
Commission to the Five Civilized Tribes he correctly recorded the
M.D. Green, being first duly sworn, states that as stenographer to the

on this matter.
and on facts, and we enter our protest against any investigation
lic record that divorce was granted according to law presumably,
the Commission has any right to inquire into it; it is a pub-
lication of proof of notice; it is res adjudicata; we don't think
On the part of the applicant we object to the intro-

BY COL. WISDOM:

I didn't know he had a divorce.

known Mr. Martin was married, and I didn't know anything else

ified of anything of the kind; I wasn't notified; first that I

Ought not I to have been notified of these facts. I never was no-

COL. WISDOM: Yes, and he proved it too.

Q Do you recollect whether he ever notified you? A Yes sir he did.

Q Read it to you? A Yes sir.

A Yes sir, I didn't, but my lawyer did.

Q Mrs. Martin, did you read the bill of divorce that he filed there?

BY COM. R. NEEDLES:

Get anything.

vision of the property that we had accumulated between us. I didn't

property any more than just that I told you; he didn't make any di-

Q You deny any division of property? A I deny any division of

did so and is so true what I might do to him.

Q You threaten him? A No sir, I never threatened him only if he

have used some pretty hard language.

David Martin 3

1901

DEPARTMENT OF THE INTERIOR
BUREAU OF LANDS
WASHINGTON, D. C.

Cherokees by Blood.

SUPPLEMENTAL: A-1228, David Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 25, 1901.

In the matter of the application of David Martin for enrollment as an Intermarried Cherokee citizen;

TESTIMONY TAKEN ON THE PART OF THE CHEROKEE NATION

Appearances:

Applicant in person and by Col. Dew M. Wisdom, attorney.
W.W. Hastings, a attorney for the Cherokee Nation.

ELIZA J. MARTIN, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Eliza J. Martin.
- Q How old are you? A I am about 44 years old.
- Q What is your post-office? A Fort Gibson.
- Q How long have you lived here? A I have lived here about ever since '83.
- Q Are you a Cherokee by blood? A Yes sir.
- Q What was your maiden name? A Ratley was my maiden name.
- Q Where did you live before you were married? A I have lived in Canadian District.
- Q What was your first husband's name? A I haven't been married but once, to this Martin.
- Q You and he married in '78 or '9? A We was married in '78.
- Q Where? A Near Muskogee, about 4 or 5 miles from Muskogee.
- Q Where did you live for the first year or two after you married? A In Canadian District.
- Q Have a farm down there? A No sir.
- Q When did you acquire a farm? A In '83.
- Q Where did you get your place then? A On this side of the river, moved over near Fort Gibson in '83.
- Q In the bottom? A No, it's out on what's called ridge land.
- Q Did you make that place? A No sir, we bought it; just a claim.
- Q And improved it? A Yes sir, that is, there was about 8 or 10 acres in cultivation when we bought it; no house nor nothing; that was all there was there.
- Q When were you and Mr. Martin separated? A In '90.
- Q You lived on this place then from '78 until '90? A Yes sir, I am living there yet, but him and I together we lived on that place until '90, and I am also living there yet.
- Q Now Mrs. Martin, I want you to tell the Commission the cause of this separation, and who left the other? A Well of course he left home, he left me, and I couldn't tell you no cause, of course I reckon he will have to do that, I guess, I couldn't tell you no cause. If he had any I don't know of any.
- Q You have any children by him? A I have one.
- Q Did you keep the child? A Yes sir.
- Q Who has cared for it since then? A I have.
- Q Has he, any? A He has not done anything for it excepting he paid its tuition at Muskogee for two years and that's all he has done; well he has give it a dress or two or a pair of shoes or two, but outside of that he has not done anything for it.
- Q He brought suit against you for divorce a couple of years ago? A Yes sir, I was summonsed at Muskogee for divorce.
- Q Did you go over there? A Yes sir.
- Q Were you present when it was tried? A No sir, If it was ever tried I have never been notified, I didn't know anything about it at all.
- Q You wasn't present when any testimony was taken? A No sir.
- Q You was not before the Master? A No sir, I went to a lawyer and he said he would ~~have~~ represent me there and that's all the time.

David Martin sup'1 2

I was ever. I went after ~~ward~~ that again and he said it jnever had come up and he notified me that testimony was going to be taken on a certain day and I went over there and my lawyer was away, and that's all I know about it; and if he has ever had a divorce I don't know anything about it at all.

Q Who was your lawyer? A Markham.

Q Where were you living when he left you? A I was living right where I am living now.

Q You continued to live there? A Yes sir, I bought ~~him~~ his part of the place, I paid him for his interest in the place, and he went away from home.

Q How did you pay him? A I paid him with some money that I got from my father's estate.

Q You got some money then from your father's estate while you were married and living with him? A No sir, I didn't get any until that same year my brother turned it over to me; Mr. Martin didn't seem to be satisfied at home; didn't like to stay there, and I told him I wouldn't give up to sell my home, I wanted ~~it~~ to stay on my home, and he was on the eve of seelling it to another man and I told him I would rather buy it and stay at home myself, I didn't want to sell my home and be without a home.

Q Did you ever try to get him to live with you after he left? A No sir, I never did; I begged him not to go away from home when he did go, I told him it would be the worst thing he ever done, I told him I thought the best he could do was to stay and help raise our little girl, our child was a girl, but after he did leave I never did try to get him back ~~in~~ any more.

BY MR. WISDOM:

Q Mrs. Martin, didn't you and Mr. Martin agree upon a separation and divided your property? A After he wouldn't stay at home I told him if he wanted to go of course he could go, I couldn't hold him, I couldn't keep him at home unless he wanted to stay. We didn't have no division no more than the property of course we had a little division and really no division ~~either~~ of the property either, because he taken it all and I can prove it; he took all the horses and everything we had- we had 8 or 9 horses and he took every bit of it; and had a few cattle, my mother had given me a cow, I kept what my mother had given me, and what I drew my Strip money for and I kept mine and he taken all therest of them and I can prove it.

Q How don't you know that he charged you with other things besides desertion, A Don't I know?

Q Didn't he charge you with adultery? A He might have charged me with that, of course he charged me with a lot of things, so far as that is concerned. ~~proven~~ proved it

Q You don't know whether he ~~proven~~ or not? A Well no, I know he undoubtedly ~~didn't~~ couldn't have proved it.

Q You never heard that there was some testimony of that kind introduced? A No sir, only the bill when my lawyer- when I went over there and of course my lawyer read the filing that he had filed against me; that's all I know about it at all.

Q You don't know whether the divorce bill was granted for testimony to adultery or anything else? A No sir, I do not, because I never was notified at all.

Q You knew that that divorce suit was pending? A Oh yes of course I I went to Muskogee when I was summonsed over there.

Q You had a lawyer to represent you? A I got a lawyer Markham to represent me.

Q You always treated him kindly and never drove him away from home? A No sir, I never drove him away from home; of course I suppose we had some confusions in the family just the same as many other people had; I don't say I never give him a cross word, I would be telling a story if I was to do that; of course I have, I have give him some cross words.

Q You have used some pretty hard language haven't you? A Well he ap of times ~~id~~ when I would get pretty mad I don't dispute byt I

David Martin 3 sup'l

have used some pretty hard language.

Q You threatened him? A No sir, I never threatened him only if he did so and ~~he~~ so to me what I might do to him.

Q You deny any division of property? A I deny any division of property any more than just what I told you; he didn't make any division of the property that we had accumulated between us. I didn't get anything.

BY COM'R NEEDLES:

Q Mrs. Martin, did you read the bill of divorce that he filed there?

A Yes sir, I didn't, but my lawyer did.

Q Read it to you? A Yes sir.

Q Do you recollect whether he charged adultery? A Yes sir he did.

COL. WISDOM. Yes, and he proved it too.

Ought not I to have been notified of these facts. I never was notified of anything of the kind; I wasn't notified; first that I knowed Mr. Martin was married, and I didn't know anything else I didn't know he had a divorce.

BY COL. WISDOM:

On the part of the applicant we object to the introduction of proof of notice; it is res adjudicata; we don't think the Commission has any right to inquire into it; it is a public record that divorce was granted according to law presumably, and on facts, and we enter our protest against any investigation on this matter.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this September 30th, 1901.

C. R. Beckwith

Commissioner.

01228

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1901



ACTING CHAIRMAN.

David A. Martin,

3449. VS.

Eliza J. Martin.

February, 10. 1899.

This cause coming on this day for hearing, upon report of the Master-in-chancery this day filed herein, it appearing from said report that the allegations of plaintiffs complaint have been fully sustained and proved, said Master recommending that a decree of divorce be granted plaintiff, as prayed for, said report is in all things approved

And it is considered, ordered, adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff ~~David A. Martin~~ and the defendant Eliza J. Martin, be, and the same are hereby dissolved, annulled, set aside and held for naught, the same as if they had never existed.

I, James A. Winston, clerk of the United States Court # for the Northern District, Indian Territory, certify the foregoing to be a true and correct copy of a decree rendered by said court in said cause on the 10. day of February, A. D. 1899.,

Witness my hand and Seal of office this 18. day of February, 1899.

James A. Winston Clerk
By W. J. Young Deputy.

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10,228

-3-

COMMISSION TO THE FIVE CLERKS
FILED
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Mr. Heston: What time did you leave the office?
Q How old are you?
Q Do you know him?
Q This witness? A Yes, sir.
Q Do you know David?
Q Did you know him when he left his wife? A Yes, sir.
Q How far did you live from there? A But a little over a quarter
of a mile I reckon.
Q Did you know them when they were together?
Q Do you know what lead up to that separation? A No, sir, I
can't say that I know that, only that Henry is all I know.
Q Well, which left the other? A Well David left her, went over to
Mrs. Appa's.
Q Do you know whether he left her and if his property or not? A No,
sir, I don't know.
Q Did he leave her any or not? A Not that I know of.
Q Did he take any away? A He taken horses away..
Q Do you know where he went to from Mrs. Jacob's? A No, sir, I
don't know.
Q Was he gone a while? A Yes, sir, he was gone a good while.
Q You don't know where he went? A No, sir, I don't know where
he went.
Q Do you know Mrs. Martin? A Yes, sir.
Q Do you know her reputation for virtue and morality in that neigh-
borhood? A Yes, sir, never heard anything against her, we were
introduced together.
Q I will ask you, during the pendency of this divorce proceedings
whether you had any conversation with David Martin or not, and whether
he requested you to be a witness for him? A I don't think he ever did
Q Don't remember about it? A No, sir.
Q Well, I think in that case you would answer the same
objection to this testimony.

Bruce C. Jones, being duly sworn, says that as stenographer to

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 27, 1901.

In the matter of the application of David A. Martin for enrollment as a Cherokee citizen by intermarriage.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

D. M. Wisdom, attorney for applicant;
W. W. Hastings and J. L. Baugh, Cherokee Representatives.

ELIZA MARTIN, being duly sworn by Commissioner Needles, testified as follows

Q What is your name? A Eliza Martin.

Q You were on the stand day before yesterday? A Yes, sir,,I have given in.

Q You were once the wife of David A. Martin? A Yes, sir.

Q Mrs. Martin, before your final separation, did you and David Martin have any disagreement? A Oh yes, sir, we had had a great deal of trouble first and last.

Q What did the trouble first arise from? A An illegitimate child that was born to him, and he claimed that, he told me it was his.

Q What disposition did he want with the child? A Well, he wanted me to take this child and to care for it, and I told him no, that I wouldn't do that way, that I didn't think it would be right.

Q And that is what the trouble arose over? A That is some of the trouble that originated of course, that was before my final separation.

Q Well, when you finally separated, how was the property disposed of; did you get the place; you were living on a place when you finally separated? A Yes, sir.

Q Now how did you acquire that, did he give it to you or how did you come by it? A He claimed that there was three parts in it, I had a child, he claimed there was three parts and that my child owned a part and he owned a part and I owned a part, and I paid him for his part of it, and kept my part and my child's part.

Q How much did you pay him? A I paid him \$100 in money that I got from my father's estate and \$50 in some cattle that I had a cow that my mother gave me and some cattle that I had bought with what we called our Grass Money, and I paid him the \$50 in the stock with them.

Q Have you always lived around Fort Gibson since the war? A I have lived here since, well about '83 is when I moved on the place that I am living on.

Q Have you lived there in that vicinity ever since? A Yes, sir, I have lived right there in that vicinity ever since.

Q Live right around there now? A Yes, sir.

Q Well, were you summoned when Mr. Martin sued you in the Federal Court at Muskogee for a divorce? A Yes, sir, I was summoned over there.

Q Did you go over? A Yes, sir, I went over.

Q Who, if anybody, did you employ as your attorney? A I employed Colonel Marcum on these terms: I told him I was a widow woman and I didn't have any means of defending myself but Mr. Martin had the property and for him to look to him to get his pay out of the property you know, that he had taken my farm, you see he never made no division with me of the property, the horses or nothing, we had seven or eight or nine head of horses, I will not say which, and he taken all of them, of course I tried to get him to divide it with me, he said he wouldn't do it, he said he wouldn't divide it, it was his, and I said of course if he wouldn't divide it he could take it, that was all I could do, and I told Mr. Marcum all that, and he said he would defend me.

Q And get the money out of him? A Yes, sir, that is what he told me, and I went over there and he agreed as I thought to defend me and I asked him when I would have to come back, and he said whenever he needed me he would let me know, and then he written me a notice telling me to be over there on a certain day, that Mr. Martin's evidence was going to be given in and when I went over there and he was out in Arkansas, and I didn't know where to go, I didn't know anything about anything, and I didn't see anybody and I come on back home, and that is all I know about the case, excepting he written me a letter and asked me then if I wouldn't give Mr. Martin the divorce if he would give me my child, he had sued me to take my child away, and I told him that nothing short of my child and alimony would pacify me, that I wouldn't grant the divorce any other way; that is all I know about it.

Q What grounds did you understand were alleged against you for a divorce? A All the grounds that he alleged that I could see into and Marcus --

Col. Wisdom: I object to that question, the record will show, the record of the United States Court will show.

Commission: The objection will be noted and the witness will answer the question.

A All that I know, he said in that that I had left him and went to live with one Jesse McLain, and that is all I know, and my lawyer asked me if I did, and I told him yes, sir, and he asked me if he was a married man, and I told him yes, sir, and have a wife, he asked me if he had a wife, and I told him yes, sir, and that is all I know.

Q Was Jesse McLain any relation to you? A He is my first cousin.

Q When was that you lived over with Jesse McLain's family, was it before or after your final separation? A That was before my final separation, before my child was born, when I lived with Jesse McLain.

Q You and he afterwards lived together as husband and wife?

A Yes, sir, we lived together and my child was born, I hadn't any children then at all.

Q Well, where did Martin go to after he left you? A He went to Mrs. Tapp's for a short while.

Q Then where did he go? A He went in the Choctaw Nation so I was told, I didn't get any letters from him.

Col. Wisdom: I object to that, that is hearsay.

Q You only heard that? A Yes, sir, that is all.

Commission: The objection will be noted.

Q How long was he missed out of that neighborhood? A Two years.

Q Now Mrs. Martin, is there any other fact that you desire to state in this matter that I haven't called your attention to? A No, I don't think that there is.

Q Well, about what property did he have when you and he separated?

A When we separated?

Q When you and him separated finally, the last time, what property did he take away from the place? A He taken a wagon and team, well a wagon, and of course this eight or nine head of horses, I would not swear exactly how many, I have forgotten how many head of horses, and plow and plow tools and beds and furniture and things about the house.

Q Did he leave any property except your own? A He never left my anything excepting this farm I am telling you about.

Q How did you acquire that? A Didn't I tell you a while ago how I acquired it?

Q That is your own, individual property? A Well he didn't leave me anything.

Q None but your own property? A No, sir, nothing but that, he didn't leave me anything.

Col. Wisdom: You admit that you were summoned over there to the

United States Court? A Yes, sir.

Q You further admit that you had counsel employed to represent you? A Yes, sir.

Q You don't know upon what grounds this divorce was granted, do you?

A No, sir, I don't know any grounds only what you told me here before when I was here.

Q You don't know whether adultery was charged in that application for divorce or not? A No, sir, not only just a while ago in there, I am not aware of the fact.

Q Do you know who paid the expenses of that divorce proceedings over there? A No, sir, I don't.

Q Did you pay any of it? A No, sir, I didn't.

Q You say that you had no division of property at all, that he only gave you all the property belonging to yourself? A No, sir, I didn't have any division of property that we had accumulated between us.

Col. Wisdom: Well, the applicant objects to the introduction of any testimony which attacks the decision of the Court or the proceedings of the Court in this case, as ~~an~~ a collateral proceeding which attacks a judgment in a United States Court, and insists that the record of the Court when offered here is the best evidence in the case, and we will let that objection stand of any other witnesses that may be introduced in this case.

Commission: The objection will be duly noted.

RUTH MOUNTS, being duly sworn by Commissioner Needles, testified as follows

Mr. Hastings: What is your name? A Ruth Mounts.

Q Where do you live, Mrs. Mounts? A Here in town, up here by Tom Fuller's.

Q How long have you lived in the vicinity of Fort Gibson?

A Three years.

Q Where did you move from when you moved here? A From the mountains out here northeast of here several miles.

Q That is in the neighborhood, isn't it? A I live up now this side of Tom Fuller's, in town.

Q Where did you live in the eighties, say from '80 to '85 and '8 and '7? A About two miles below Gibson, within half a mile of Mrs. Martin.

Q Did you know her when she was living with her husband, David Martin? A Yes, sir.

Q Did you know them when they separated? A Yes, sir.

Q How long had you known them prior to this separation? A That I don't remember, '82 I believe is when I first got acquainted with her, when they moved over there, went there and built.

Q Do you know which left the other? A Why he left her.

Q Do you know anything about the property that he took away from there? A Well, no, sir, not enough to tell anything straight about it, I don't.

Q Do you know anything about what was the cause of their disagreement? A No, sir, I don't know anything about that.

Q Don't know about it? A No, sir, I don't, I was surprised when they called on me to witness for the property.

Q You any relation to Mrs. Martin? A Yes, sir.

Q What relation? A Well, she is a distant relation.

Q Do you know her reputation at that time and since? I mean at that time particularly, out in that neighborhood? A No, I do not.

Q I mean for morality and virtue? A Well, she has always been counted a good woman as far as I know, and a virtuous woman.

Q Never heard anything to the contrary? A Never heard anything to the contrary.

Col. Wisdom: We just assign the same objection as we did to the other witness.

ELNORA TAPP, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Elnora Tapp.

Q How old are you? A I am 54 years old.

Q Do you know Mrs. Martin? A Yes, sir.

Q Do you know her husband, David Martin? A Yes, sir.

Q Did you know them when they lived together as husband and wife? A Yes, sir.

Q How far did you live from them? A About a mile and a half.

Q Did you know them when they separated? A Yes, sir, he came to our house, he came there and made a crop there that year.

Q You know which left the other? A Dave left her.

Q Do you know what lead up to this disagreement between them, and the cause of the separation? A Well, Mr. Tapp was trying to get him to go back home to her, and he asked him, what did you leave your wife for, you have got an awful nice little child to raise, you ought to go back home to raise it, and Mr. Martin sat there a few minutes, and said, no, I can't, I got dissatisfied, and he says she was high tempered and I was jealous hearted; that is what he told my husband.

Q You don't know anything about what lead up to it except that?

A Not only what he told.

Q Do you know anything about the property he took away from there?

A Yes, sir.

Q Do you know whether he left any of his property there or not?

A He never left any of the horses with her, he moved seven horses and one jack to our house.

Q What became of him; how long did he stay there? A He stayed there till along the last of November or the first of December, I forget which, and then he said he was going to the Choctaw Nation near Red River to his sister's.

Q How long was he gone? A He was gone something over two years before ever I saw him any more.

Q You know this woman's reputation down there for virtue and morality? A She has always been counted a virtuous woman ever since I knowed her.

Q Never heard anything against her? A That is all.

Col. Wisdom: Do you know upon what grounds the divorce was granted?

A No, sir.

Q Ever hear any charges against her of immorality? A No, sir.

Q Or adultery in the divorce proceedings? A No, sir.

Q Never knew anything about the divorce? A No, sir.

Q Don't know anything about it? A No, sir, all I know about it was when he called home and brought his horses to our house.

Q You don't know but what these horses were his, his own, do you? do you know whether she had any interest in these horses? A I never heard him say anything about whose horses they were, he brought them there.

Q He said they were his own horses? A He never said anything about them, he just brought them and kept them and worked them.

Q He used them as if they were his own horses? A Yes, sir, he used them.

Col. Wisdom: Just note the same objection.

Jess McLain, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess McHain.

Q How old are you? A About 45.

Q Do you know Mrs. Martin? A Yes, sir.

Q This witness? A Yes, sir.

Q Do you know David Martin? A Yes, sir.

Q Did you know him when he left his wife? A Yes, sir.

Q How far did you live from them? A But a little over a quarter of a mile I reckon.

Q Did you know them when they separated? A Yes, sir, I knew them.

Q Do you know what lead up to that separation? A No, sir, I can't say that I know that, only just hearsay is all I know.

Col. Wisdom: Well you needn't testify about that.

Q Well, which left the other? A Well Dave left her, went over to Mrs. Tapp's.

Q Do you know whether he left her any of his property or not? A No, sir, I don't know.

Q Did he leave her any or not? A Not that I know of.

Q Did he take any away? A He taken horses away..

Q Do you know where he went to from Mrs. Tapp's? A No, sir, I don't know.

Q Was he gone a while? A Yes, sir, he was gone a good while.

Q You don't know where he went? A No, sir, I don't know where he went.

Q Do you know Mrs. Martin? A Yes, sir.

Q Do you know her reputation for virtue and morality in that neighborhood? A Yes, sir, never heard anything against her, we were raised together.

Q I will ask you, during the pendency of this divorce proceedings whether you had any conversation with David Martin or not, and whether he requested you to be a witness for him? A I don't think he ever did

Q Don't remember about it? A No, sir.

Col. Wisdom: I have no questions; just assign the same objection to this testimony.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of October, 1901.

C. D. Beckwith

Commissioner.

g

Per 10/228

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 23 1901

A handwritten signature, possibly "J. H. Smith", is written over the "FILED" stamp.

ATTEST

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita C. I. Oct 24 1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of

David D. Martin for enrollment as a
citizens of the Cherokee Nation.

Chen No. 101228

J. P. Bludae
Agent for applicant

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MAKING

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COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Cherokee D-1228

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 3,

1902.

Mr. David A. Martin,

Texana, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application., that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Register,
Copy to I. P. Bledsoe,
Chouteau, I.T.

Acting Chairman
Commissioner in Charge.

R.

C. D-1228.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
David A. Martin for the enrollment himself as a citizen of the
Cherokee Nation.

Appearances:

W. W. Wisdom, attorney for the applicant.
W. W. Martin Esq., attorney for Cherokee Nation.

The applicant was notified by registered letter March 2, 1902,
that this application would be taken up for consideration by the
Cherokee Nation on the 22nd day of March, 1902, at the
Commission at its office in Muskogee, I. T., to-wit: the 22nd day of
March, 1902. The applicant this date, to-wit: the 22nd day of
March, 1902, appeared by his attorney, D. M. Wisdom.

The attorney for the applicant and the representative of the
Cherokee Nation present at the hearing, having been duly sworn,
and will be reported to the Commission for final decision based upon
the evidence now of record.

The attorney for the applicant requests and will be granted
fifteen days in which to file his answer to the application of the
Cherokee Nation, and one copy of the answer to the representative of the
Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T.
ACTING CHAIRMAN

81228

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

R.

C. D-1228.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of David A. Martin for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

E. M. Wisdom, attorney for the applicant.

W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that this application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 22nd day of March, 1902. The applicant this date, to-wit: the 22nd day of March 1902, appears by his attorney, D. M. Wisdom.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted fifteen days in which to file brief in this case, one copy with the Commission, and one copy with the representative of the Cherokee nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D 1200

Muskogee, Ind. Ter., June 11, 1902.

Mr. David A. Martin,
Tennant, Ind. Ter.

Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that it is necessary for the proper consideration of your case that you submit to this Commission a certified copy of the marriage license and certificate of marriage to your first wife or additional testimony upon the subject showing that said marriage was under authority of a Cherokee license and in compliance with the laws of the Cherokee Nation.

This testimony must be furnished on or before June 26, 1902.

Yours truly,

Commissioner in charge.

Register.

51228

EXECUTIVE DEPARTMENT



CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that I have examined the marriage record of Illinois and Canadian Districts, respectively to find the record of the marriage license and marriage certificate of David Martin and Eliza Ratliff (or Ratly) but fail to find a record of such marriage; that the records of said Illinois and Canadian Districts, Cherokee Nation, have been filed in this Office by law and are in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 24th day of June 1902.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation

In the matter of the application of David A. Martin for the
enrollment of himself as a citizen in the Cherokee Nation.

Supplemental to D1228.

Appearances:

Applicant appears in person.
Cherokee Nation by W. W. Hastings.

Gusman McMakin, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Gusman McMakin.
Q. How old are you? A. 32.
Q. What is your post office address? A. Muskogee.
Q. Are you acquainted with the applicant in this case, David A. Martin? A. Yes, sir.
Q. How long have you known him? A. Ever since he came to the country.
Q. When did he come to the country? A. Way back '84, '85 or '86 years ago. I came about 30 years ago and just 2 or 3 years after he came.
Q. Do you know his first wife? A. Yes, sir.
Q. What was her name? A. Eliza Martin.
Q. Was she a Cherokee? A. Yes, sir.
Q. Do you know when he married her? A. Yes, sir.
Q. Did you see the marriage? A. Yes, sir. She was living at my home at the time of it.
Q. Who performed the ceremony? A. Judge McInt.
Q. Was he district judge at that time? A. I guess so.
Q. How long after the marriage did he live with his first wife? A. I don't know. Several years.
Q. He was married again? A. Yes, sir.
Q. Do you know his second wife? A. Yes, sir.
Q. What was her name? A. Black Dog Lowrey's widow. She was a Downing.
Q. Has the applicant, David A. Martin, lived in the Cherokee Nation ever since you have known him? A. Yes, sir.

Lessee O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes.

Subscribed and sworn to before me this ... day of July, 1902.

Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 26th, 1902.

In the matter of the application of David A. Martin for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D1228.

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

Susanah McMakin, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Susanah McMakin.
Q. How old are you? A. 55.
Q. What is your post office address? A. Muskogee.
Q. Are you acquainted with the applicant in this case, David A. Martin? A. Yes, sir.
Q. How long have you known him? A. Ever since he came to the country.
Q. When did he come to the country? A. Way back 24, 25 or 26 years ago. I came about 30 years ago and just 2 or 3 years after he come.
Q. Do you know his first wife? A. Yes, sir.
Q. What was her name? A. Eliza Martin.
Q. Was she a Cherokee? A. Yes, sir.
Q. Do you know when he married her? A. Yes, sir.
Q. Did you see the marriage? A. Yes, sir. She was living at my house at the time of it.
Q. Who performed the ceremony? A. Judge Flint.
Q. Was he district judge at that time? A. I guess so.
Q. How long after the marriage did he live with his first wife? A. I don't know. Several years.
Q. He was married again? A. Yes, sir.
Q. Do you know his second wife? A. Yes, sir.
Q. What was her name? A. Black Dog Lowrey's widow. She was a Downing.
Q. Has the applicant, David A. Martin, lived in the Cherokee nation ever since you have known him? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ... day of July, 1902.

(Seal)

Notary Public.

NOV 3 1902

Q Did you get a divorce? A She made the proposal to get a separation, and I told her I would not leave until we had it in writing before the Clerk of the District, and she told me if I would leave she would sign the divorce before the Clerk of the District. and I did. I seen there was no peace.

Q Well; did you get a divorce afterwards? A Yes, sir.

Q Who applied for the divorce? A I did.

Q What court did you get the divorce in? A The United States Court.

Q Here in Muskogee? A In Muskogee.

Q What year, do you remember? A I applied about, I believe, in '98 maybe. I got a divorce I think in '97, maybe the first of '98. I think in '97 I got the divorce.

Q And after you were divorced from your first wife, you married your present wife? A Yes, sir.

Q She is also a Cherokee by blood, is she? A Yes, sir, a Cherokee by blood.

Q Have you and your second wife lived together since you were married up to the present time? A Yes, sir.

Q You have never been married except to these two women you have named, have you? A No, sir.

Q You and this second wife living together on the first day of September, 1902? A Yes, sir.

Q Have you lived in the Cherokee Nation ever since 1902 to the present time? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that she above is a true and complete transcript of her sworn report as thereon.

Subscribed and sworn to before me this 28th day of October, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 14, 1902.

In the matter of the application of David A. Martin for
the enrollment of himself as a citizen by intermarriage of the
Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

DAVID A. MARTIN, being sworn, testified as follows:

By the Commission,

- Q What's your name? A David A. Martin.
Q What's your age at this time, Mr. Martin? A Forty-five.
Q What's your postoffice? A Texanna.
Q Are you the same David A. Martin that applied to this Commission
for enrollment in September, 1901? A Yes, sir.
Q What's your wife's name? A Clarinda.
Q Is she living? A Yes, sir.
Q Is she a Cherokee by blood? A Yes, sir.
Q When were you married to your wife? A In '98.
Q '98? A '97 or '8, I believe in '98.
Q About four years ago? A Yes, sir.
Q Had you ever been married prior to your marriage to this wife?
A Yes, sir.
Q How many times? A Once.
Q What was that first wife's name? A Eliza.
Q Eliza what before you married her? A Ratliff.
Q Ratliff? A Yes, sir.
Q Was she a Cherokee by blood? A Yes, sir.
Q Were you married to her under Cherokee license? A Yes, sir.
Q Is she living or dead? A She's living.
Q When were you separated from her? A About '90. '89? Let's
see, '90.
Q About '90? A Yes, sir.
Q Where were you living when you separated? A Three miles south
of Fort Gibson.
Q When were you married to your wife? A '78.
Q Did you and she live together as husband and wife from the time
of your marriage in '78 up to the time of your separation in '90?
A Yes, sir.
Q Were you living in the country or in town when you separated?
A Living in the country.
Q On a farm? A Yes, sir.
Q Did you have a place of your own or renting? A I bought a
place myself.
Q Well, now, what was the cause of your separation? A Well, it
was adultery, I guess, what I got a divorce for.
Q Well, did she leave your place or did you leave her, how did you
manage that? A Well, she quit me six months before I left. I
left myself.
Q You left the house yourself? A Yes, sir.
Q Leave her there? A Yes, sir, got drove away by abusive treat-
ment.
Q She drove you away by her abuse? A Yes, sir.
Q Did you leave rather than stand her abuse? A Her mother told
me to whip her, bring her under that way, but I could not live with
a woman and do her that way. I thought it would wear off. I tried
to compromise.
Q You finally separated for good? A Yes, sir.

Q Did you get a divorce? A She made the proposal to get a separation, and I told her I would not leave until we had it in writing before the Clerk of the District, and she told me if I would leave she would sign the divorce before the Clerk of the District, and I did. I seen there was no peace.

Q Well, did you get a divorce afterward? A Yes, sir.

Q Who applied for the divorce? A I did.

Q What court did you get the divorce in? A The United States Court.

Q Here in Muskogee? A In Muskogee.

Q What year, do you remember? A I applied about, I believe, in '96 maybe. I got a divorce I think in '97, maybe the first of '98. I think in '97 I got the divorce.

Q And after you were divorced from your first wife, you married your present wife? A Yes, sir.

Q She is also a Cherokee by blood, is she? A Yes, sir, a Cherokee by blood.

Q Have you and your second wife lived together since you were married up to the present time? A Yes, sir.

Q You have never been married except to these two women you have named, have you? A No, sir.

Q You and this second wife living together on the first day of September, 1902? A Yes, sir.

Q Have you lived in the Cherokee Nation ever since 1880 up to the present time? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.


Subscribed and sworn to before me this 29th day of October, 1902.


Notary Public.

David A. Martin,

3449. VS.

Eliza J. Martin.

February, 10. 1899.

This cause coming on this day for hearing, upon report of the Master-in-Chancery this day filed herein, it appearing from said report that the allegations of plaintiff's complaint have been fully sustained and proved, said Master recommending that a decree of divorce be granted plaintiff, as prayed for, said report is in all things approved

And it is considered, ordered, adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff David A. Martin and the defendant Eliza J. Martin, be, and the same are hereby dissolved, annulled, set aside and held for naught, the same as if they had never existed.

I, James A. Winston, Clerk of the United States Court for the Northern District, Indian Territory, certify the foregoing to be a true and correct copy of a decree rendered by said court in said cause on the 10. day of February, A. D. 1899.

Witness my hand and seal of office this 18. day of February, 1899.

((SEAL))

J. A. Winston Clerk
By N. S. Young Deputy.

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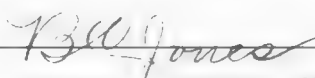
DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
MUSKOGEE, I. T., NOVEMBER 21, 1902.
---o---

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.



Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 21st day of November, 1902.



Notary Public.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,)

Indian Territory,) ss.

No. 1705

NORTHERN -- DISTRICT.)

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING:

You are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. D A Martin , of Texanna , in the Indian Territory, aged 42 years, and Mrs. Clarindy Lowery , of Texanna , in the Indian Territory, aged 40 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 28th day of March, A.D. 1899.

((SEAL))

J. A. Winston

Clerk of the U. S. Court.

By N. S. Young Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,)

Indian Territory,) ss.

NORTHERN -- DISTRICT.)

I, Young Coleman , a Minister of the Gospel, DO HEREBY CERTIFY, that on the 29 day of March A.D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 29 day of March A.D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A , Page 31.

Y Coleman -

A Minister of the Gospel.

NOTE--This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars(\$100.00).

CERTIFICATE OF RECORD .

UNITED STATES OF AMERICA,)

Indian Territory,) ss.

NORTHERN -- DISTRICT.)

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 30 day of Mch 1899, at M., and duly recorded in Book L, Marriage Record, Page 490.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 31 day of Mch A.D. 1899.

Jas. A. Winston

ByDeputy.

Clerk.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

MUSKOGEE, I. T., NOVEMBER 21, 1902.


I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a

-2-

true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 21st day of November, 1902.


Notary Public.

Department of the Interior

Cherokee Nation

For the year of 1901-1902
(Signed) V. M. Viretta
Assistant Executive Secretary
Cherokee Nation

Whereas the Cherokee Nation has been admitted to this office by the
and whereas the records of said Nation are contained
in the files of the Department of the Interior and the
records of the Department of the Interior are contained in the
files of the Department of the Interior and the records of the
Department of the Interior are contained in the files of the
Department of the Interior and the records of the Department of the
Interior are contained in the files of the Department of the Interior

(Signed) V. M. Viretta
Assistant Executive Secretary
Cherokee Nation

1901-1902
Cherokee Nation
Assistant Executive Secretary
Cherokee Nation

CHIEF OF BUREAU
1901-1902

EXECUTIVE DEPARTMENT
Cherokee Nation,
Tahlequah, Indian Territory

I, B. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that I have examined the marriage record of Illinois and Canadian Districts, respectively to find the record of the marriage license and marriage certificate of David Martin and Eliza Ratliff (or Ratly) but fail to find a record of such marriage; that the records of said Illinois and Canadian Districts, Cherokee Nation, have been filed in this Office by law and are in my legal custody.

Given under my hand and the seal of the Cherokee Nation this
(SEAL) (Signed) B. W. Alberty,
the 24th day of June 1902. Assistant Executive Secretary,
Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 21, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.


Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 21st day of November, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of David A. Martin as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 25, 1901, David A. Martin appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Fort Gibson, Indian Territory, on September 25, 1901, September 27, 1901, at Muskogee, Indian Territory, on March 22, 1902, June 26, 1902, and again on October 14, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that David A. Martin was married in 1878 to Eliza Ratcliffe, a citizen by blood of the Cherokee Nation. It appears that he lived with his wife, Eliza, about ten or twelve years, and then abandoned her; that the said David A. Martin procured a divorce from his said wife in the United States Court for the Northern District, Indian Territory, on February 18, 1899, and that it was by said Court on that day adjudged that the bonds of matrimony heretofore existing between said David A. Martin and his said wife, Eliza, be, and the same are, hereby dissolved, annulled, set aside and held for naught, the same as if they had never existed.

The said David A. Martin is identified on the Cherokee authenticated roll of 1880 as an intermarried white.

An Act of the National Council of the Cherokee Nation approved October 15, 1855, entitled, "An Act regulating intermarriage of white men," provides:

"That any white man who shall lawfully marry under the provisions of this act, and then afterwards abandon his wife, shall not be entitled to any of the rights and privileges of the Cherokee Nation, and shall be and is hereby considered, and shall be removed as, an intruder."

It further appears that the said David A. Martin was married to Clarinda Lowery, a citizen by blood of the Cherokee Nation, on March 29, 1899, but that said marriage was not entered into in accordance with the laws of the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the application for the enrollment of David A. Martin as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory,

Commissioner.

this _____

REFER IN REPLY TO THE FOLLOWING

Cher. D 1228

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory, January 10, 1907.

David A. Martin,
Texanna, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decm. _____ D _____

Commissioner.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Meggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wylly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaber	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingsick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpston	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Illa Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D	468
Sarah A. Fields	10214	Adolphus J. Hallum	D	483
Susie Henderson	10216	Alexander Walker	D	490
Charles H. Rienhardt	10218	Albert J. High	D	491
William H. Watkins	10221	America Matoy	D	501
Frank M. Rucker	10222	Moses L. Grazier	D	503
Henry C. Reed	10224	Myrtle Hall	D	509
Laura B. Timberlake	10226	Wallace Thursday	D	544
George A. Brown	10228	Thomas W. Baker	D	546
Drucilla Lowrey	10232	Mattie E. Keys	D	550
Almira Mouse	D	William S. Edwards	D	560
Lenora Prather	D	Susan L. Reed	D	572
Andrew M. Cooter	D	William H. Lyman	D	574
Martin L. Stokes	D	Gracia Davis	D	577
Peter Walters	D	Edward C. Bolen	D	582
Columbus M. Reeves	D	Dora Guthrie	D	585
Sarah Barnes	D	Samuel H. Hawkins	D	594
George T. Kiddy	D	Lula M. Purcell	D	600
Henry C. Agent	D	Ben Estes	D	603
Joseph Phipps	D	Thomas M. Reynolds	D	621
Henry Hilton	D	Arthur Dodge	D	622
David A. McGlamery	D	Carrie L. McNair	D	624
Maggie Doublehead	D	Constantine N. Walker	D	641
Annie Lovett	D	Joseph Davis	D	648
Nora Hood	D	Leander A. Keys	D	650
John A. Johnson	D	James J. Barndollar	D	655
Nathaniel G. Simpson	D	Nathan J. Brink	D	682
Oncico W. Head	D	William S. Miles	D	688
Etta Taylor	D	Emma Waybourn	D	698
Susan V. Sullivan	D	Dora E. Rogers	D	708
Levi H. Tackett	D	James W. Turley	D	709
William H. Connelley	D	Lizzie Ward	D	711
Julia A. Sullivan	D	Robert J. Holly	D	713
May Fields	D	Belle I. Quinton	D	728
Katie Hummingbird	D	Francis M. Boothe	D	734
William F. Sager	D	Amos W. Lord	D	746
Lovick P. Garrison	D	Agnes N. Childers	D	749
Henry Grubb	D	John E. Renfrow	D	752
Lucy F. Lacey	D	William Coon	D	759
Callie Blevins	D	Louis Bruere	D	779
James S. Alfrey	D	Georgia A. Waybourn	D	786
Shadrack C. Wallen	D	Eliza Fields	D	787
Ada Hall	D	William H. Brown	D	788
Jane M. Hicks	D	William A. Cox	D	793
Fannie L. Dupree	D	Charles A. Robison	D	799
Willis Battles, Jr.	D	Artha Williams	D	800
Joshua W. Ellis	D	Adam Gearhart	D	806
Nina B. Owen	D	Cicero F. Rogers	D	855
John M. Ridenour	D	Annie Garrett	D	856
Emery S. Thompson	D	George S. Yarborough	D	875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Mudding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Creach	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Disie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James' Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simeo	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldrige	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cherokee D
1228

Muskogee, Indian Territory, March 14, 1907.

David A. Martin,
Texanna, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MH

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Cher D 1229

Cher D 1229

01229

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

FILED

5 1901

ACTING CHAIRMAN

RECEIVED

Handwritten signature/initials

REPORT OF THE COMMISSION TO THE CIVILIZED TRIBES
FOR THE YEAR 1901
PUBLISHED BY THE GOVERNMENT PRINTING OFFICE
WASHINGTON: 1902

Cherokee by intermarriage:

Department of the Interior,
Commission to the Five Civilized Tribes,
Wint Fort Gibson, I.T., Sept. 25, 1901.

In the matter of the application of Rachel Bushyhead for the enrollment of herself as a Cherokee citizen by intermarriage; being sworn and examined by Commissioner Needles she testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. W.W. Hastings, and Mr. J.L. Baugh, for Cherokee Nation.

- Q What is your name? A Rachel Bushyhead.
Q What is your age? A 23.
Q What is your post-office address? A Clarksville, Arkansas.
Q What district do you reside in in the Cherokee Nation, do you reside in Arkansas? A No sir, I reside in the Cherokee Nation, I have been absent though quite a while.
Q What district? A Saline District.
Q You apply to be enrolled as a Cherokee by blood? A No sir, Cherokee by adoption.
Q Do you apply for anybody but yourself? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Bushyhead.
Q Is he living? A Yes sir.
Q Is he a citizen by blood? A Yes sir.

BY MR. SMITH:

Q Have you a certificate of your marriage to George Bushyhead? A Yes sir. (Produces papers.)

Q Is this the paper that you hand me the certificate of your marriage? A Yes sir.

Commissioner: Applicant presents a duly authenticated marriage license and certificate, said license having been issued in the State of Arkansas, County of Newton, on the 5th day of March, 1895, authorizing George Bushyhead to marry Rachel A. McGowan; certificate attached certifying that on the 7th day of March, 1895, said marriage was-

Com'r: There is no certificate of marriage here; it has not been signed.

Certificate stating that E.M. Battenfield performed the ceremony. Said certificate and license recorded in the office of the clerk of the circuit court in the county of Newton, State of Arkansas; said certificate being somewhat informal, the person who performed the ceremony not having placed his signature to the certificate, although his name is entered in the body of the certificate

BY MR. SMITH:

- Q Mrs. Bushyhead, I see from your certificate that you were married in the State of Arkansas, where did you live after you were married? A In Saline District, Indian Territory.
Q How soon did you come to the Saline District of the Cherokee Nation after you were married in Arkansas? A Right away.
Q You are not living with your husband now? A No sir.
Q How long did you and your husband live together after you were married? A Just about one year.
Q Have you ever been divorced? A No sir.
Q Now where did you live during that year that you and your husband lived together? A Saline District.
Q What was your post-office? A Locust Grove.

- Q Did you live at one place all the time? A No sir.
Q Was Locust Grove your post-office all the time or did you have any other post-office? A No sir, Locust Grove was our post-office.

Rachel Bushyhead 2

Q When you and your husband separated where did you live, you separated in what year? A '96.

Q Then where did you go to live when you and he separated? A To Markham Prairie, near Locust Grove, about 2 miles and a half from where I lived.

Q Whose house did you go to? A I went to Mr. James Shook's.

Q How long did you stay there? A Stayed there about 3 months.

Q Then where did you live? A Mr. George ~~Ramix~~ Brewer.

Q What post-office? A Locust Grove.

Q How long did you live there in that Locust Grovneighborhood? A About 3 years.

Q About how long after you separated from your husband? A After I separated from him?

Q Yes. A Three years.

Q Where did you go then, did you ever go outside of the Cherokee Nation at all? A Yes sir.

Q What for? A To visit my mother's.

Q Where does your mother live? A In Newton County, Arkansas.

Q When did you first go outside of the Cherokee Nation after you and your husband separated? A 3 years after we were separated, it was '99.

Q Had you ever lived in the Cherokee nation before you and your husband were married? A Yes sir, I was raised here.

Q Where were you brought up? A Locust Grove, Markham Prairie.

Q Now this Gerge Bushyhead, that you married, what George Bushyhead is that? A Son of Smith Bushyhead.

Q About how old is George, or do you know his exact age? A Somewhere in 30; he was 28 when we married in '95; he was 28 the 14th of March, and we were married the 7th of March.

Q Where were you, Mrs. Bushyhead, when the Commission, this Dawes Commission, was at Pryor Creek enrolling Cherokees last year?

A I was at Melvin on 14 Mile Creek, and I went to Pryor Creek, I was there during the session there, but I wasn't before the Commission.

Q What did you go for? A I went to go before the Commission.

Q Why didn't you go? A Because they were crowded and I couldn't get in.

Q Do you know whether or not your husband George Bushyhead applied and was enrolled? A Yes sir, he was enrolled.

Q Do you know when? A From the 10th to the 13th somewhere along there, last September, he applied I think it was about the 12th.

Q He was a son of Smith Bushyhead? A Yes sir.

Q And lives in your neighborhood? A Saline District is his home.

Q What post-office? A Why his post-office now, I guess-

Q What post-office was he living when you and he lived together? A Locust Grove.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's former husband identified on page 74 #386 George Bushyhead, Cooweescoowee District, native Cherokee, 12 years of age, (He has been enrolled, card 2413.) 1896 census roll of citizens of the Cherokee nation examined for applicant and name not found.

Com'r: The name of Rachel Bushyhead does not appear upon any of the rolls of the Cherokee nation.

1896 census roll of citizens of the Cherokee Nation examined and applicant's former husband identified thereon as follows: page 929 #88 George Bushyhead, Saline District.

BY MR. HASTINGS:

Q What was your maiden name? A McGowan.

Q You ever known by the name of Kaywood? A My step-father's name was Kaywood.

Q Were you ever married to anyone else but Bushyhead? A No sir.

Rachel Bushyhead 3

Q You know whether he was ever married before or not? A No sir, he was never married.

Q You married him in Newton County, Arkansas? A Yes sir.

Q About what time of the year did you quit him? A In January 1896.

Q You lived with him from March until the following January? A Yes sir.

Q You left him there at Locust Grove? A Yes sir.

Q Left his home? A Yes sir.

Q Now how long have you been back to the Territory from Newton County this time? A Came in yesterday.

Q You have been living there for about 4 years haven't you? A No sir.

Q How long have you been living there? A My step-father has been living there near about 7 years, but I haven't been living there that has not been my home.

Q I am not talking about your home, where have you been breathing and existing? A Cherokee Nation most of the time.

Q How long were you in Newton County, Arkansas before you came here yesterday? A Since November 2nd, last year.

Q You came from there here this time? A Yes sir.

Q How long had you been in the Cherokee Nation in November of last year? A Came here the 10th of August.

Q And stayed until November? A Yes sir.

Q Where did you come from? A Came from Newton County.

Q How long had you been in Newton County when you left there to come here in August? A I had been there about 8 months.

Q Now you left this man in January 1896? A Yes sir.

Q And you stayed now with whom first? A After I left him?

Q Yes? A Stayed at Mr. Jim Shook's.

Q First? A Yes sir.

Q About three months didn't you? A Yes sir.

Q All right, that carries you up until the end of March, first of April, then where did you go? A Mr. Denton's.

Q How long did you stay at Mr. Denton's? A About two months.

Q April and May, then where did you go? A George Brewers.

Q How long did you stay there? A Until the 1st of July.

Q Then where did you go? A Arkansas.

Q The 1st of July, 1896? A Yes sir.

Q You have stayed there ever since that? A Yes sir.

Q Where have you stayed since that time? A I have been back and to Saline District twice during that time.

Q Now the first time you came down back to Saline District when was that? A After I went out?

Q Yes, in July, of '96? A I came back in '98.

Q Now what time in '98? A In December.

Q That was the first time you came back? A Yes sir.

Q How long did you stay here in December of '98? A I stayed about three months.

Q With whom? A Jim Shook's.

Q Then you went back to Arkansas? A Yes sir.

Q Then when did you come back the second time? A I came back in August the second time.

Q Of what year? A Last year.

Q 1900? A Yes sir.

Q And you stayed here until November that time? A Yes sir.

Q Now since 1896, with this 2 exceptions, that you have mentioned, in your testimony, you have been living in Newton County, Arkansas, with the exceptions that you have stated in your testimony. A No I have been in Johnson County part of the time.

Q Well, in Arkansas? A Yes sir, I have been in Arkansas.

Q You didn't come back here from July 1896 until December 1898? A No sir.

BY COM'R NEEDLES:

Q When you left Mr. Bushyhead were you and he keeping house? A Yes sir.

Rachel Bushyhead 4

Q Where? A Saline District.

Q On a farm? A Yes sir.

Q You left his house? A Yes sir.

Q And went away? A Yes sir.

Q Since 1896 for ~~instance~~, instance, haven't you considered your home in Arkansas with your step-father? A No sir.

Q Have you ever established a home anywhere else, have you ever kept house anywhere? A No sir.

Q When you came back to the Territory were you just visiting?

A No sir, I came here and worked.

Q Oh, you worked? A Yes sir.

BY MR. SMITH:

Q These differ nt places that you have mentioned where you went, what were you doing there, Brewers, for instance, and Shook's?

A I was cooking and helping keep house, hired to them.

Q You were hired? A Yes sir.

Q Had you ever hired out before you were married? A Yes sir.

Q When you have been in Arkansas have you been at your mother's? Or have you been hired out in Arkansas? A I have been hired out.

Q Where was the last place you worked in Arkansas? A Clarksville, in Johnson County.

Q Who for? A R.C.Oaf.

Q How long had you been working for Mr. Oaf before you came on this trip? A Eight months.

Q You worked out then in Arkansas and you worked out in the Indian Territory? A Yes sir.

Q Why did you leave Mr. Bushyhead, why did you leave your house?

A Because he wouldn't provide for me.

Q Where were you living, did you have a place of your own? A Yes sir, we had a place of our own on Salt Creek.

Q What kind of a house did you have to live in? A Little log hut.

Q How many rooms? A Just one.

Q Did you have anything to eat? A No sir, not only as I would go and work for it myself.

BY MR. HASTINGS:

Q You knew him before you married him? A Thought I did, No I didn't.

Q You knew his surroundings? A Yes sir.

Q You had lived there by him? A I hadn't lived right close to him, I lived within 5 or 10 miles of him.

Q You knew he was pretty near a full-blood Indian didn't you?

A Yes sir.

BY COM'R NEEDLES: Rachel Bushyhead applies for the enrollment of herself as an intermarried citizen. She avers that she was married to one George Bushyhead in the year 1895, and presents satisfactory proof of her marriage; her husband, George Bushyhead, is duly identified upon the authenticated roll of 1890 and upon the census roll of 1896, according to page and number of the rolls indicated in the testimony. The name of Rachel Bushyhead cannot be found upon any of the rolls of the Cherokee Nation. She avers that she ~~lived with her~~ left her husband George Bushyhead after living with him about a year.

Now comes the Cherokee Nation and protests against the enrollment of Rachel Bushyhead, as a Cherokee citizen by intermarriage, on the part of the testimony, and also on the further ground that she has not completed a residence in the Cherokee Nation sufficient to entitle her to enrollment, consequently Rachel Bushyhead will now be listed for enrollment as a Cherokee intermarried citizen ~~for~~ ~~the~~ upon a doubtful card, awaiting further consideration of the Commission; she will be notified of the action of the Commission by mail at her post-office address when same is arrived at.

THE UNIVERSITY OF CHICAGO

Mohr

C. R. Beecham

Commissioner.

2413

DEPARTMENT OF
COMMISSIONER OF

FILED
SEP 12 1900

[Handwritten signature]

3-13-1912
Not filed
[Handwritten signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
PRIOR CHIEF, I.T., SEPTEMBER 10th, 1900.

IN THE MATTER OF THE APPLICATION OF George Bushyhead for enrollment as a citizen of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A George Bushyhead.
Q What is your age? A About thirty three.
Q What is your Postoffice? A Salina.
Q What district do you live in? A Salina.
Q Are you a Cherokee by blood? A Yes sir.
Q Full blood? A About three quarters.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you married? A Yes sir; about six years ago.
Q Do you want to enroll your wife? A Her name is Rachel Bushyhead; yes sir.
Q What was her name before you married her? A Cagwood.
Q Was that her name in 1890? How old is she?
A About twenty one.
Q Is she a white woman? A Yes sir.
Q Do you any certificate of marriage? A No sir.
Q Have you any proof of marriage? A There is a certificate where I married.
Q Where is it; where do you marry? A In Weston County.
Q Weston County where? A Yes sir.
Q You have no marriage license or certificate here, is that so?
A No sir.
Q Have you any children? A No sir.
Q When did you marry? A In 1894.

(1890 Roll, Page 74, 74th, George Bushyhead, Commissioner District)
(1897 Roll, Page 979, 98th, George Bushyhead, Salina District)

- Q You have no children? A No sir.
Q Do you apply for your wife? A She has been one about four years.
Q Come from you? A Yes sir.
Q And a white woman? A Yes sir.

The name of George Bushyhead appears on the authentic roll of 1890, as well as the census roll of 1896, and satisfactory proof having been made as to his citizenship, he being fully identified, he will be listed for enrollment as a Cherokee citizen by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

R. P. Craven

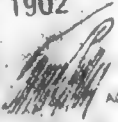
Subscribed and sworn to before me
this 10th day of September, 1900.

C. A. Smith

COMMISSIONER.

201929

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 31 1902


ACTING

Supl.-C.D.#1229.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of RACHEL BUSHY-
HEAD as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date she might appear before the commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her case. The applicant has this day, the 22d day of March, 1902, been called and fails to respond either in person or by attorney, and the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

CP 1279

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 31 1902

File with case of Rachel Bushyhead, C.D.#1229.

Supl. C.#2413.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
GEORGE BUSHYHEAD as a citizen of the Cherokee Nation, introduced on
part of the Cherokee Nation:

GEORGE BUSHYHEAD, the applicant, being duly sworn, testi-
fied as follows:

MR. HASTINGS, Cherokee Representative:

- Q What is your name? A George Bushyhead.
Q What is your post office? A Salina.
Q How old are you? A I am 35.
Q Do you live in Saline district? A Yes, sir.
Q Have you ever been married? A Been married seven years, a lit-
tle over.
Q Who did you marry? A White girl by the name of Rachel Keywood.
Q How long did you live with her? A Pretty near nine months.
Q Did you have a house of your own? A Yes, sir.
Q Were you living in the house? A I was living in then when we
was living together, and then I traded the place off.
Q And you got another place? A Live right there where I got that
place.
Q Well, did you separate? A Yes, we separated.
Q What was the cause of the separation? A We just dispute over
a pony.
Q Dispute over a pony? A Yes, sir.
Q Well, did you leave her or did she leave you? A She left me.
Q Where did she go? A She went back to Arkansas.
Q Did you ever try to get her to come back? A I tried once,
wrote to me if I would "forgive me for what I had done" she would
come back and she never did come back.
Q Did you write to her to come back? A Yes, sir.
Q She never did come back? A No, sir.
Q Where does she live now? A Last time I heard of her she lived
in Russellville.
Q Arkansas? A Yes, sir.
Q She doesn't live over there near you? A No, sir.
Q Last you heard of her she was in Arkansas? A Yes, sir.

Commission: It is directed that a copy of this testimony
be filed in the case of Rachel Bushyhead, case No. D. 1229.

---00000000---

I, J. O. Rossen, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes I correctly recorded the
testimony and proceedings this day had in the above case, and that
the foregoing is a true and complete transcript of my stenographic
notes thereof.

J. O. Rossen

COMMISSION TO THE FINE C. V. H. L. R. L.

FILED
MAY 22 1902

ATTORNEY GENERAL

Chas. H. Jones

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 6, 1902.

In the matter of the application of Rachel Bushyhead for the
consent of herself as a citizen of the Cherokee Nation.

SUPPLEMENTAL TO D-1229.

Applicant represented by I. P. Bledsoe, Cheuteau, I. T.
Cherokee Nation represented by W. W. Hastings.

Commission: What testimony do you desire to submit, Mr. Bledsoe?
Mr. Bledsoe: Simply want to contradict the testimony of her
husband as regards -

RACHEL BUSHYHEAD, being first duly sworn, testified as
follows:

MR. BLEDSOE: What is your name? A Rachel Bushyhead.
Q Where do you live? A Fort Gibson.
Q How old are you? A 23 years old.
Q You are the wife of George Bushyhead? A Yes, sir.
Q When were you married? A 7th of March, 1895.
Q How long have you been married since? A No, sir.
Q Are you still living together as husband and wife? A No, sir.
Q When did you separate? A January, 1896.
Q Lived together then about nine months as husband and wife? A
Yes, sir.
Q Have you ever married since that time? A No, sir.
Q What was the cause, Mrs. Bushyhead, of you all's separation?
A Because he wouldn't provide for me.
Q Were you living in his house at the time of your separation?
A No, sir.
Q Did he have a house of his own? A Yes, sir.
Q What was occupying that house at that time? A Mr. James Converse.
Q Did the house rented? A Yes, sir.
Q What kind of a house were you living in? A Log house.
Q Was it an out-house, was it? A Yes, sir.
Q Who made the support for the family? A I made that support
they made.
Q Did you go to the Orphan Asylum or anywhere, and work out? A
Yes, sir.
Q Did he have a living for you and him? A Yes, sir.
Q Did he contribute anything toward your support at all? A No,
sir.
Q While you were living together as husband and wife? A No, sir.
Q Did you ever agree to live with him as his wife after you went to
Arkansas, that he would send you some money? A No, sir.
Q He claimed in his statement that he asked you twice, is that true?
A No, sir.
Q You were living in the Cherokee Nation at the time of your sep-
aration? A Yes, sir.
Q You just simply went to Arkansas on a visit to see your
folks? A Yes, sir.
Q How long were you in Arkansas the longest at any one time since
you married him; how long were you there the longest at any one
time? A I couldn't tell just exactly.
Q Eight months or nine; you there longer than a year? A Why I
don't know.
Q You are still the lawful wife of George Bushyhead? A Yes, sir.
MR. HASTINGS: When did you go to Arkansas the first time now
after you married Bushyhead? A I went there in July or August, now

I remember which.

Q Of what year? A '96 I believe it was.

Q When did you return from there? A Returned from there in August, '97 or '98, I can't say just which.

Q You can't say when? A No, sir.

Q What was your postoffice when you made your application to the Commission to be enrolled? A I was in Fort Gibson then at that time; been there ever since; before that my postoffice was Clarksville, Arkansas.

Q Well wasn't your postoffice Clarksville, Arkansas, last September? A No, sir, not after I came here before the Commission it wasn't.

Q Well on September 25, 1901, didn't you give Clarksville, Arkansas, as your postoffice when you appeared before the Commission upon that date? A Yes, sir.

Q How long had that been your postoffice? A That had been my postoffice for over eight months.

Q How long? A Yes, sir.

Q How long have you been living at Fort Gibson ever since last September?

A Yes, sir.

Q I have a letter which indicates that was written to you on June 7, 1901, by George W. Rudyhead, in which he begs and pleads with you to return home? A I don't think -

Q He didn't do it, did you? A No, I didn't return.

Q He offered to take you back didn't he? A He agreed to send me money, but he didn't do it.

Q I say he offered to take you back too? A Yes, sir, but he hasn't sent the money yet.

Q Well you left him and went to Arkansas didn't you? A Yes, sir.

Q You left him there in Saline District, didn't you? A Yes, sir, I left him in Saline District.

Q And you went direct from there to Arkansas, didn't you? A No, sir, I didn't.

Q Where did you go? A Went to James Shooks, about one mile from where I lived.

Q For long did you stay there? A I stayed there about three months.

Q You left his house, the house that you had been living at that time? A Yes, sir, I left the house I was living in.

Q How many trips have you made to Arkansas since you separated from your husband? A About three.

Q Where do your parents live? A They live in Fort Gibson.

Q Where do they live before last September? A They lived in Lynn county, Arkansas.

Q Clarksville their postoffice? A Spencer is their postoffice.

Q How far from Clarksville? A About 45 miles.

Q Will they move to the Territory? A The last time?

Q Yes. A Came here in January last.

Q When did they move from here if they have ever been here before?

A They moved away from here in '94.

Q '94? A Yes, sir.

MR. BLEDSOE: Now there is another question I want to ask; when this case was supposed to have been heard you never got no notification? A No, sir.

Q You never have received a notification to appear before this Commission? A No, sir.

Q Now when you left your husband there at Locust Grove did you go direct to Arkansas or did you go over to make a support? A Went to Mr. Shooks, as I stated.

Q Did you go off just simply to work and make a living? A Yes, sir.

COMMISSIONER: I suggest, Mr. Bledsoe, that this was gone over fully in the first examination, and it's no use to go over that ground again.

MR. BLEDSOE: Now comes the attorney for the applicant and states

-5-

that the applicant was not notified at the time that the case was ordered to be closed, but appears now by her representative, I. P. Bledsoe, and shows to the Commission by evidence that she is the lawful wife of George Bushyhead, and that she left him to make a support by daily labor for her and him, as it is an acknowledged fact that the full-blood Indian works but very little, and a woman marrying one has to make the support. Consequently, she is entitled to enrollment as a Cherokee citizen by adoption.

MR. HASTINGS: I want to object, for the Cherokee Nation, that the Commission has been taking judicial knowledge of the fact that full-blood Indians haven't worked any. The Cherokee Nation, anyway, contends that this woman is not entitled to enrollment under her own statement under section six hundred and sixty-seven of the compiled laws of the Cherokee Nation, inasmuch as she herself admits that she abandoned her husband.

MR. BLEDSOE: Agent for the applicant contends that there is no abandonment upon the part of the wife whatever.

COMMISSION: You submit the case for final consideration?

MR. BLEDSOE: Yes, sir.

COMMISSION: The agent for the applicant and the attorney for the Cherokee Nation submit the case upon the testimony and record as now made up in this case for final consideration by the Commission.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 7th day of May, 1902.

[Signature]
Notary Public.

Jae.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rachel Bushyhead for enrollment as a citizen by intermarriage of the Cherokee Nation:

DECISION.

The record in this case shows that on September 25, 1901, Rachel Bushyhead appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 28, 1902, when it was ordered that the supplemental testimony taken in the case of George Bushyhead, Cherokee card #2413, be filed with and made a part of this record; also further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 6, 1902.

The evidence shows that Rachel Bushyhead, nee McGowan, a white woman, was married to George Bushyhead, who is duly identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee and, also, upon the 1896 census roll of said nation, on March 7, 1896, in the State of Arkansas.

The evidence further shows that the said Rachel Bushyhead lived in the Cherokee Nation with her husband, George Bushyhead, until January, 1896, when she abandoned her said husband. Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 667 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife shall thereby forfeit every right and privilege of citizenship of this nation."

One of the rules for construing the laws of the Cherokee Nation, Section 787 Compiled Laws Cherokee Nation (1892) is, as follows:

"Words in the masculine gender shall embrace a female as well as a male unless a contrary intention is manifest."


The evidence further shows that the said Rachel Bushyhead continued to reside in said Cherokee Nation, after she abandoned her said husband, until July, 1896, when she removed to the State of Arkansas, where she resided, and did not return to the Cherokee Nation until December, 1898; that on June 28, 1898, and at the date of this application, she was residing in Arkansas. She is not identified upon any of the rolls of said Cherokee Nation.

Paragraph 9, Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Rachel Waskyhead for enrollment as a citizen by inter-marriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this 16 1902

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

VINITA, IND. TER.

190

Muskogee, I. T., March 13, 1902.

Mr. George Bushyhead,
Salina, I. T.

Dear Sir :

Enclosed please find a subpoena for your attendance
before the Hayes Commission at Muskogee on March 22nd, 1902.
Kindly accept service of the same by signing the blank at
the bottom stamped in red ink, and send it to us by first mail;
and be here on the 22nd of this month.

Yours truly,

ATTORNEYS

L. B. HELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

VINITA, IND. TER.

190

Muskogee, I. T., March 13, 1902.

R. J. W. Dannenberg,
Salina, I. T.

Dear Sir:

Enclosed herewith find a subpoena, which we desire served on George Bushhead. Please go and serve this subpoena on him, and return one copy to us with an endorsement on the back of it how and when you served it. We have mailed a subpoena to him at Salina, but for fear he will not get it in time we want you to have this served at once, and return to us.

Yours truly,

ATTORNEYS

OFFICE OF

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

VINITA, IND. TER

190

Muskogee, I. T., March 13, 1902.

Mrs. Collette & Smith,

Vinita, I. T.

Gentlemen:

Enclosed herewith please find a notice in C. D.
1902, Rachel Bushyhead. Kindly accept service of the same,
and return to us as soon as convenient, and oblige,

Yours truly,

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDERS
C. R. BRICKNIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D 1229.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Rachel Busheyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

Enc. C. No. 92.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1229.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Rachel Busheyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Tamm Bixby
Acting Chairman.

Rachel B. Bushyhead

- 1. Original testimony Sep 25 1901
- 2. Memo. of app. in show. Sep 25-1901
- 3. Marriage license & certificate
- 4. Notice of final consideration, 3/22/02

Transferred to R-725

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DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES

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1901

Case 8:11-cv-00001

STRAIGHT as to Applicant's son, Henry Riddle:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 26, 1901.

In the matter of the application of William R. Riddle for the enrollment of himself and wife as Cherokee citizens by intermarriage and for the enrollment of his son, Henry Riddle, as a Cherokee citizen by blood; said Riddle being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A William Riddle.
Q What is your age? A I am 46.
Q What is your post office address? A Texanna.
Q What district do you live in? A Canadian.
Q Do you apply to be enrolled as a Cherokee? A No, I am adopted.
Q Apply for enrollment as an intermarried citizen? (No response.)
Q What is your wife's name? A Ida Riddle.
Q How old is she? A She is 39.
Q Is she a Cherokee citizen? A No, sir, she is just adopted.
Q She is adopted? A Yes, sir.
Q And you are adopted? A Yes, sir.
Q Your wife is a white woman? A Yes, sir.
Q What was her husband's name? A His name was Taylor.
Q Well, what Taylor? A Benjamin Taylor.
Q Is he living? A No, sir.
Q Was he a Cherokee citizen? A Yes, sir.

Com'r Needles: Applicant presents a certified copy of an authenticated marriage license issued according to the laws of the Cherokee Nation, on the 24th day of February, 1881, authorizing the marriage between W. J. Riddle, a white man, and Bettie Downing, a Cherokee lady, certifying that the marriage was solemnized on the 24th day of February, 1881, The certificate being certified to by E. W. Alberty, Asst. Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation.

- Q The marriage license you present is the license between you and your first wife? A Yes, sir.
Q What was her name? A Bettie Downing.
Q Is she living? A No, sir.
Q Have you any marriage certificate between yourself and your last wife? A No, sir, we was married under Cherokee law.
Q You ought to have one? A I didn't get none.
Q Who married you? A Fellow by the name of Caswell, John Caswell.
Q Is he living? A Yes, sir.
Q When were you married? A Was married in '74, I reckon; no, in '84.
Q You say the Minister who married you is living? A Yes, sir.
Q Have you lived with your wife continuously since you married her in 1884? A Yes, sir.
Q Living with her now? A Yes, sir.
Q Do you apply to have her enrolled? A Yes, sir.
Q Were you ever married more than once before you married your present wife? A No, sir.
Q Your former wife living when you married your present wife?
A No, sir.
Q She was dead? A Yes, sir.
Q Was your present wife ever married more than once before she married you? A Yes, sir, she was married twice, two Cherokee boys.
Q Are they both dead? A Yes, sir.
Q Were they both dead before you married her? A Yes, sir.
Q Did she live with both husbands until they died? A Yes, sir.
Q They were both Cherokees you say? A Yes, sir.
Q Have you any proof of marriage between her and her Cherokee husband? A I have between her and her first one; I got letter of her administration at his death, if you want to see them, that is all the proof I have got between her, she was married in '74.

They are about worn out, I don't know whether you call tell anything about them or not. (Hands papers to Com'r.)

Q These are Letters of Administration? A Yes, sir.

Q When was your wife married to her first husband? A In '78, I think.

Q Is her name on the roll of 1880? A Yes, sir, I guess it is.

Q What was her first husband's name? A His name was Taylor, Benjamin T aylor.

Q First husband was Benjamin Taylor? A Yes, sir.

Q What was her second husband? A Warspeaker.

Q When was she married to warspeaker? A I could not tell you, she didn't live with him about a couple of years until he was killed

Q What was her name before she married Taylor? A Her name was Herrod.

Q A white woman. A Yes, sir.

Q Well, if her name was on the roll of 1880, then it should be on there by the name of Taylor, should it not? A Yes, sir.

1880 Authenticated roll of Cherokee citizens examined and names of appl cant and his wife not found thereon.

Q Was Benjamin a Cherokee? A Yes, sir.

Q Do you know when Benjamin Taylor died? A No, sir, I don't; I wasn't acquainted with him then.

Q You were married in '81? A Yes, sir, first wife.

Q What was her first husband's name? A Benjamin Taylor.

1880 Authenticated roll of citizens of the Cherokee Nation examined and name of applicant's wife's first husband not found thereon.

Q This William Warspeaker ought to have been more than 18 years of age when your wife married him? A He was a small boy.

1880 Authenticated roll of Cherokee citizens examined and name of applicant's wife former husband, found thereon, page 674, #1240, WM. Warspeaker.

Q Now, if I understand this case; what was your wife's maiden name? A Herrod.

Q And she married before 1880? A She was married to Taylor in '78.

Q When was she married to Warspeaker? A I could not tell you.

Q She was once married to William Warspeaker whom you claim was a Cherokee? A Yes, sir; full blood Cherokee.

Q At his death she married one Benjamin Taylor? A No, sir; married him first.

Q Benjamin was first? A First man and Warspeaker was the second one.

Q Was she married to one Benjamin Taylor? A Yes, sir.

Q Was he a Cherokee by blood? A Yes, sir, what the all tell me.

Q And at his death she married one William Warspeaker? A Yes, sir.

Q Did she live with William Warspeaker until his death? A Yes, sir.

Q When did William Warspeaker die? A I could not tell you, he went off down in the Choctaw Nation.

Q Do you know that he ever died? A Yes, sir, he was killed.

Q And after the death of William Warspeaker, your wife married you? A Yes, sir.

Q That was in 1884? A Yes, sir, I won't be positive, '84 or '5.

Q Now, who did you first marry? A I married Bettie Downing.

Q And present a certificate of marriage; she was a Cherokee by blood? (No response.)

Q Is she living? A No, sir.

W. R. Riddle, et al.--2.

- Q Was she a Cherokee? A I guess so, that is what they claimed her to be. Then papers go to show she was.
- Q Then afterwards you married? A I married Warspeakers widow.
- Q When did Bettie Downing die? A She died; I don't recollect the year:
- Q Did you live with her until the date of her death? A Yes, sir.
- Q And then after her death you married the widow of William Warspeaker? A William Warspeaker.
- Q Is she now living? A Yes, sir.

1880 Authenticated roll of Cherokee citizens examined and name of applicant's former wife found thereon, page 14, #370, Bettie Downing, Canadian District.

- Q How long have you lived in the Cherokee Nation? A About 22 years.
- Q Have you any middle name? A W. R.
- Q This certificate is to William J. A That is the way when I sign it myself, but I put it W. R., and some put it William J.
- BY J. L. BAUGH, Cherokee Representative:
- Q I believe you state a while ago William Warspeaker left there?
- A He went down in the Choctaw Nation.
- Q His wife go with him? A No, sir.
- Q Didn't he and his wife separate at that time? A Yes, sir.
- Q I thought you stated a little while ago she lived with both of these husbands until they died. A I could not tell he went off down there to teach school and got into some trouble and was killed, neither one of them had married.
- COM'R NEEDLES: Are you on the roll of 1896? A I could not tell you.
- Q Have you got any children? A I have one by my first wife.
- Q Why didn't you say so? A You never asked me.
- Q What is the name of that child? A Henry Riddle.
- Q How old is he? A 19 years old.

1896 Census roll of Cherokee citizens examined and name of applicant's child found thereon, page 61, #1663, Henry Riddle, Canadian district; note: "Grandson of George Downing"

- Q Who was Henry Riddle's mother, Bettie Downing? A Yes, sir.
- Q Is he living at this time? A Yes, sir:

COM'R NEEDLES: William R. Riddle applies for the enrollment of himself, his wife Ida, and his son Henry. He avers that he is a white man, and that in the year 1880 he was married to one Bettie Downing, a Cherokee by blood, and he presents satisfactory proof as to said marriage, and the name of said Bettie Downing is duly identified upon the authenticated roll of 1880, and the name of Henry Riddle, son is identified upon the census roll of 1896, as the son of Bettie Downing. Applicant avers that after the death of Bettie Downing he married the widow of William Warspeaker, Ida Warspeaker, and William Warspeaker is identified upon the authenticated roll of 1880. The averment is made that he is now deceased. No proof of marriage is presented as between said William Riddle and the said Ida Warspeaker. The averment is made that she is a white woman, and she cannot be identified upon any of the rolls of the Cherokee Nation. He avers that his wife, Ida, who was a white woman, was originally married to one Benjamin Taylor, a Cherokee citizen by blood, but no proof is made as to the citizenship of the said Benjamin Taylor. He avers that after the death of said Benjamin Taylor, his said wife married one William

W. R. Riddle, et al.--4.

Warspeaker, who is identified upon the authenticated roll of 1890, and claims that he himself and his wife, Ida, are both white persons, are both intermarried citizens. By reason of the fact that no proof of marriage is made between the said applicant and his present wife, Ida "Warspeaker, and no proof is made as to the citizenship of Benjamin Taylor, the application of the said William R. Riddle for the enrollment of himself as a citizen by intermarriage is suspended, and his name will be placed upon a doubtful card, awaiting further consideration of the Commissioner; the Cherokee Nation contending that although his present wife was a white woman, was the widow of a citizen, that the said William R. Riddle, has lost his rights of citizenship by marrying a state woman; see Section 666 of the Cherokee Statutes; and although no evidence was produced as to the legal marriage of said Ida, the fact that she was a white person and her ~~husband~~ last marriage was with William R. Riddle, who is a white person, the Cherokee authorities contend that she has lost her rights to citizenship, if she had any, under said section.

Applicant applies for the enrollment of his child, Henry. He avers that he is the child of Bettie Downing, his first wife; Bettie Downing being identified upon the authenticated roll of 1890 and the child being identified upon the census roll of 1896, and satisfactory proof being made as to its residence, the said Henry Riddle, child of William Riddle by his mother, Bettie Downing, will be listed for enrollment as a Cherokee citizen by blood. Applicant will be notified by due course of mail when the decision of the Commission is arrived at.

It will be necessary for him to prove the legal marriage between his present wife and her first husband, Benjamin Taylor; it will also be necessary for proof of marriage between said William Riddle and his present wife Ida, widow of William Warspeaker, who is identified upon the roll of 1890, to be made.

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J. C. Brown, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. C. Brown

Subscribed and sworn to before me this October 5th, 1901.



Commissioner.

D/230

These principles of the benevolent empire school.
occurred in the case, and were not only a pure and com-
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE INDIAN CIVILIZED TRIBES

R.

C. D-1230.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William R. Riddle for the enrollment of himself and wife as citizens of the Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 22nd day of March, 1902. The applicant this day, to-wit: the 22nd day of March, 1902, appears in person.

WILLIAM R. RIDDLE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A William R. Riddle.

Q What is your post office address? A Texana.

Q You have heretofore applied to the Commission for the enrollment of yourself and wife as citizens of the Cherokee Nation? A Yes sir.

Q You were requested to supply the Commission with evidence of your marriage to your wife Ida. Have you that with you?

A No sir, I got married under the Cherokee law and never got a copy of the license.

Q Didn't you get any certificate? A No sir.

Q Is there any statement you desire to make relative to the application of yourself and wife for enrollment as citizens of the Cherokee Nation?

A No sir, I have got no case here. I could get proof that we was married by a minister.

Q Do you submit the case to the Commission for final decision?

A Yes sir.

The applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William R. Riddle for the enrollment of himself and wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation:

DECISION.

The record in this case shows that on September 26, 1901, William R. Riddle appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment, among others, of himself and wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation. The other parties to this application are differently classified and are not embraced in this decision. On February 12, 1902, it was ordered that the testimony of Ida Riddle, taken in the matter of the application of Willie Luvena Hadley, at Muskogee, Indian Territory, on said date be made a part of the record in this case. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The evidence shows that said William R. Riddle, a white man, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation to one Betty Downing, a native Cherokee, on February 24, 1881, and lived with her until her death.

The evidence further shows that the said Ida Riddle, a white woman, was formerly married to Benjamin Taylor, a native Cherokee (in 1878), and lived with him until his death, and that after the death of said Benjamin Taylor, she was again married to one William Warspeaker, a native Cherokee (in 1881), and lived with him until his death.

The evidence further shows that said William Riddle, a white man, and Ida Riddle, formerly Warspeaker, a white woman, were married in 1884. Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 646 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

Cherokee 3 1230

It is, therefore, the opinion of this Commission that the application of William R. Riddle for the enrollment of himself and wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.
this JUL 16 1902

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYRESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED IN REPLY TO THE FOLLOWING

Cher. D 1230.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of William R. Riddle for the enrollment of himself and his wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

Enc. C. No. 86.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1230.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of William R. Riddle for the enrollment of himself and his wife, Ida Riddle, as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Tams Bixby
Acting Chairman

- A. Original testimony Sept 26/01
- B. Memo of application Sept 26/01
- C. Notice of final consideration, 9/27/01
- D. Supplemental testimony, Feb. 12, 1902

Transferred to R-726

WILLIAM
R. RIDDLE
D-1230

See Charles Riddle

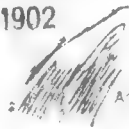
Cher D 1231

Cher D 1231

COMMISSION TO THE WESTERN

FILED

MAY 22 1902


ACTING COMMISSIONER

Notary Public

Subscribed and sworn to before me this

the original transcript of a fine and complete copy of a copy made by Arthur C. Croninger of Civilized Tribes do solemnly swear that the above and foregoing is a true and correct copy of the original as presented to the Commission to the Five

To be filed with Cherokee case-1231.

REJECTED, as to wife.

DOUBTFUL, as to wife's children.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I. T. , December 12th, 1900.

In the matter of the application of Robert McPherson for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said McPherson being sworn and examined by Commissioner Breckinridge testified as follows:

Give me your full name? A. Robert McPherson.

Q. How old are you? A. 50.

Q. What is your postoffice? A. Braggs Station.

Q. In what district do you live? A. Illinois.

Q. Who is it you want to enroll, yourself and family? A. Yes sir.

Q. Have you a wife? A. Yes sir.

Q. How many children? A. Four.

Q. These children are all under 21 are they? A. Yes.

Q. None of them married? A. No sir.

Q. Are you a Cherokee by blood, full blood aren't you? A. Pretty near it.

Q. Is your wife a Cherokee by blood? A. No sir, a white woman.

Q. Have you lived in the Cherokee Nation all your life? A. Yes sir.

Q. Give me the name of your father? A. Alick McPherson.

Q. Is he dead? A. Yes sir.

Q. Give me the name of your mother? A. Jennie.

Q. Is she dead? A. Yes sir.

Q. Give me the name of your wife? A. Julia.

Q. How old is she? A. About 45.

Q. When did you marry her? A. In '85.

Q. Were you ever married except to her? A. I married once before but she died.

Q. Was this wife ever married except to you? A. Yes.

Q. How many times was she married before she married you? A. I do not know, she had a boy by one of the Becks when I married her.

Q. Was her former husband dead when she married you? A. I do not know, she can answer for herself.

JULIA McPHERSON, being sworn and examined by Commissioner Breckinridge testified as follows:

Q. Give me your full name? A. Julia McPherson.

Q. How old are you? A. About 45.

Q. Are you the wife of Robert McPherson here? A. Yes sir.

Q. When were you married to him? A. I forget.

Q. About how long ago? A. 1885, I believe.

Q. Were you ever married before you married him? A. Yes sir.

Q. To whom were you married? A. I was married to

Q. How many times were you married before you married him? A. Twice.

Q. To whom were you married? A. To Ward and Beck.

Q. What was Ward's full name? A. Vann.

Q. And afterwards married to Beck? A. Dave Beck.

Q. Is Vann Ward dead? A. I couldn't tell you.

Q. Did you ever get a divorce from him? A. No, he took another woman.

Q. And you never got a divorce from him? A. No sir.

Q. And then you married Beck? A. Yes sir.

Q. Is Beck dead? A. I can not tell you, he was not the last account I had of him.

Q. How long did you live with Beck? A. I lived about two years and seven months I guess.

Q. How long did you live with Ward? A. Just seven months.

Q. Who married you to Ward? A. Jeff McGee in Delaware.

Q. He was clerk of the District was not he? A. Yes sir.

Q. Who married you to Beck? A. He lived at Vinita, he was a justice

- Q. You did not get any divorce from Dave Beck? A. No sir.
- Q. And who married you to your present husband McPherson? A. Preacher Dobson, Tahlequah District here.
- Q. Did Dave Beck leave you? A? Yes, sir.
- Q. Or did you leave him? A. Well, he left me? He made the commencing and then I went to my daddy.
- Q. Have you lived with McPherson ever since you married him in 1885?
- A. Yes sir.
- ROBERT MCPHERSON, the applicant, further testified:
- Q. Give me the names of these children? A. The oldest one is by my first wife, named Willis.
- Q. How old is he? A. He will be 18 the 27th of this month.
- Q. Now the next child? A. Mary.
- Q. By this wife, is she? A. Yes, sir.
- Q. How old is she? A. She is goin on 15.
- Q. The next child? A. Jennie.
- Q. How old is she? A. She is 12 going on 13.
- Q. The next child? A. Joanna.
- Q. How old is she? A. She is going on 11.
- Q. These children are all living now are they? A. Yes, sir.
- Q. These last three children are all by this wife? A. Yes, sir, three girls.
- Q. Are you a full blood Cherokee Cherokee? A. I guess so that is what they call me.
- Com'r:--The applicant files a certificate showing that he and his wife were married on August 2, 1885, by the Rev. Leonidas Dobson, this is placed with the papers in this case.
- 1880 roll, page 558, #1262, Robert McPherson, Illinois.
- Q. What is Willis' mother's name? A. Ailsey Muskrat.
- Q. Is she on the roll of 1880 as Muskrat? A. I do not know whether she is or not.
- Q. You married her after 1880? A. Yes sir.
- Q. What was her name when you married her? A. They called her Ailsey.
- Q. Was she a full blood woman? A. Yes sir.
- Q. She died before you married this woman? A. Yes, she died in Canadian.
- 1896 roll; page 1213, #242, Robert McPherson, Tahlequah.
- Q. Was Vann Ward a Cherokee by blood? A. I think so.
- 1896 roll; page 1286, #2242, Julia McPherson, Tahlequah.
- 1896 roll; page 1213, #2246, Willis McPherson, "
- 1896 roll; page 1213, #2243, Mollie McPherson, "
- 1896 roll; page 1213, #2244, Jannie McPherson, "
- 1896 roll, page 1213, #2245, Joanna McPherson, "
- Q. Was Dave Beck a native Cherokee? A. Yes, sir, I think he was.
- Q. How old is Vann Ward now? A. You know? A. I do not know.
- Q. Were you acquainted with Dave Beck? A. No, sir.

APPLICANT'S WIFE RECALLED:

- Q. Was your husband Beck a Cherokee by blood? A. Yes sir.
- Q. Was your husband Ward a Cherokee by blood? A. Yes sir.
- Q. When did you marry Ward? A. I could not tell you.
- Q. Was Ward ever married before he married you? A. I do not think he was.
- Q. He was your first husband was he? A. Yes, Ward.
- Q. Is anybody living that knows that you and Ward were living together as husband and wife? A. Yes, sir, Mrs. John Gladley, about eight miles out here.
- Q. Does anybody know that you and Beck lived together as husband and wife? A. She does too.
- Q. How old would this man Ward be now if he were living? A. He is pretty old if he was living he would be 69 or close to 70.
- Q. Did he have any middle name? A. Not that I know of.
- 1880 roll; page 334, #2843, Vann V. Ward Delaware.

Q. How old would Beck be now if he were living? A. I think he was somewhere in 30 when me and him was married.

Q. Did he have an "H" in his name, Dave M. Beck? A. I think he did.

Q. You have got a child named G. W. Beck? A. Yes sir.

Q. Were you living with Beck in 1880, 20 years ago? A. No sir, I don't guess I was.

Q. This child G. W. Beck, is not identified on the roll of 1880?

A. No, I was at my father's when that roll was made.

Q. What name did you go by 20 years ago? A. Beck.

Com'r Breckinridge:-- The applicant applied for the enrollment of himself, his wife and four children. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and will be listed for enrollment as a Cherokee by blood.

His wife is a white woman. She states that she was twice formerly married before she married her present husband in 1885. The present marriage in 1885 is established by the certificate filed herewith, but the applicant's wife never procured a divorce from either of her husbands, who for all she is able to state, are living at this time. She is not considered, therefore, as qualified to have married her present husband and though she is identified on the roll of 1896 and has lived with her present husband ever since she married him, the application for the enrollment is rejected, she being classed as a Cherokee by adoption.

The applicant's oldest child, Willis McPherson, he states is by his first wife, who was a Cherokee woman. The child is identified on the roll of 1896. His mother is said to have been a full blood and the applicant does not know what her name was when he married her. He married her after the roll of 1880 was made and she died shortly after their marriage. She can not be identified but no doubt is entertained from the personal testimony that she was a Cherokee woman, and this child, Willis McPherson, will now be listed for enrollment as a Cherokee by blood.

As for the said children, Mary Jennie, and Joanna McPherson, of the present marriage; they are minors and are living. They are identified on the roll of 1896, and they will be listed for enrollment as Cherokees by blood, on a doubtful card, for the further consideration of their status, in this connection attention is especially called to Section 693 of the 1893 compilation of the laws of the Cherokee Nation.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 14th day of December, 1900.

(Signed) T. B. Needles,
Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of November, 1901.

(Signed) T. B. Needles.

I, Frances S. Batefahl as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the above and foregoing is a true and complete copy of a copy made by Arthur G. Croninger of the original transcript.

Subscribed and sworn to before me this

20 day of May, 1902.

Frances S. Batefahl
[Signature]
Notary Public.

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File with Cherokee D 1231, Sarah Israel et al.

Cherokees by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 24, 1901.

In the matter of the application of John Israel for the enrollment of himself and child as Cherokees by blood.

John Israel, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A John Israel.
Q What is your age? A 27.
Q What is your post-office? A Braggs.
Q What district do you live in? A Illinois.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and two children.
Q What are the names of your children? A Phillip.
Q How old is Phillip? A 10.
Q The name of the next one? A Mary.
Q How old is Mary? A She is 7.
Q Are you married? A No sir.
Q Were you ever married? A Yes, sir.
Q What is the name of the mother of these children? A Sarah.
Q Is she living? A Yes, sir.
Q What was her name before you married her? A Ward.
Q Is she a Cherokee by blood? A Yes, sir.
Q About how old is she now? A I can't tell you, maybe a out 25 or 26.
Q You and her are not living together now? A No, sir.
Q What was her father's name? A Dan Ward.
Q Is he living? A I don't know whether he is or not.
Q What is her mother's name? A Judy McPherson.
Q Is she living? A Yes, sir.
The 1880 authenticated roll of Cherokee citizens examined and the applicant John Israel identified thereon, page 638, No. 544, Saline district.
The 1890 census roll of Cherokee citizens examined and the applicants identified thereon as follows:
John Israel on page 870, No. 968, Illinois District, as John Israel;
Phillip Israel on page 870, No. 969, Illinois District, as Phillip Israel;
Mary Israel on page 870, No. 970, Illinois District, as Nellie Israel.
Q Is Nellie or Mary her name? A Her Cherokee name is Nellie, Mary is her English name.
Q Do you know whether your wife Sarah is on the roll of 1880 or not? A No, sir.
Q Were you married to Sarah Ward? A Yes, sir.
Q Lived with her as your wife? A Yes, sir.
Q Anybody here knows you and knows that you lived with her as your wife? A Yes, sir, my brother is here.

George Beck, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George Beck.
Q How old are you? A Going on 24.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know John Israel? A Yes, sir.
Q Know his two children, Phillip and Mary? A Yes, sir.
Q Do you know Sarah Ward? A Yes, sir.
Q Was she John Israel's wife? A Yes, sir.
Q Were they married? A Yes, sir.

John Israel 2.

Q How do you know? A They were married in the Cherokee Nation.
Q Did you see they married? A No, sir, but they went to get married.
Q Do you know they lived together as man and wife for a number of years? A Yes, sir.
Q And these two children were born while they were living together as man and wife? A I can't say whether they were or not.
Q How long since John Israel and Sarah his wife separated? A I can't state exactly.
Q Do you know they lived together as man and wife? A Yes, sir.
Q Do you know how long they lived together? A 11 or 12 years I think, somewhere along there.

John Israel, recalled, testified.

Q Are these children alive at this time Mr. Israel? A Yes, sir.
Q Living with you? A Yes, sir, I have them in charge.

Commissioner Needles: The name of John Israel is found upon the authenticated roll of 1880 as well as the census roll of 1896. He applies for the enrollment of himself and two children, Phillip and Mary, and the name of Phillip appears upon the census roll of 1896, and the name of Mary is found upon the census roll of 1896 as Nellie, but is duly identified as Mary, the child applied for. The applicant avers that he was married to one Sarah Ward, who is the mother of the said children, but her name cannot be found upon the authenticated roll of 1880 or the census roll of 1896. Satisfactory proof however, is made as to their marriage, and also satisfactory proof as to their citizenship and residence; consequently John Israel and his two children, Phillip and Mary, will be listed for enrollment as Cherokee citizens by blood.

--- * ---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.
Sworn to and subscribed before me this the 25th of April, 1901.
(signed) T. B. Needles,
Commissioner.

--- * ---

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M. D. Green

Subscribed and sworn to before me this October 29, 1901.

[Signature]

Commissioner.

100

[illegible]

2000-01-01 to 2000-01-01

Y. J. L. t. 10^c

DEPARTMENT OF L.
MISSION TO THE FIVE

FIELD

5 1001

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept. 26, 1901.

In the matter of the application of Sarah Israel for the enrollment of herself and one child as Cherokee Indian citizens by blood; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Sarah Israel.
Q That your name now? A Yes sir.
Q How old are you? A 22.
Q What is your post-office address? A Fort Gibson.
Q What district do you live in? A Illinois.
Q You apply to be enrolled as a Cherokee citizen by blood? A Yes sir.
Q Who do you want to enroll besides yourself? A My baby.
Q What is your baby's name? A Loyd Israel.
Q How old is he? A 6 weeks old.
Q Are you married? A Yes sir.
Q What is your husband's name? A John Israel.
Q Is he a citizen? A Yes sir.
Q Has he applied to be enrolled himself? A Yes sir.
Q Why didn't he apply for you? A He said I was large enough to enroll myself.
Q Are you and he living together? A Yes sir.
Q What is your father's name? A Vann Ward.
Q Is he living? A Yes sir.
Q Is he an Indian? A Yes sir.
Q What is your mother's name? A Julia McPhearson.
Q Is that her name now? A Yes sir.
Q Is she an Indian? A No sir.
Q She is a white woman? A Yes sir.
Q Is she married now? A Yes sir.
Q Who to? A Robert McPhearson.
Q She has been married twice then? A Yes sir.
Q Was her former husband named Ward? A Yes sir.
Q Where were you born? A In Delaware.
Q District? A Yes sir.
Q You always lived in the Cherokee Nation? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir, I guess it is.
Q On the 1880 roll? A I guess it is.
Q Was Ward your maiden name? A Yes sir.
Q That was the name you were married by? A Yes sir.
Q Have you been married more than once? A No sir.
BY W.W. HASTINGS, Cherokee Representative:
Q Was your father and mother ever married? A Yes sir.
BY COM'R NEEDLES:
Q Have you any other name besides Sarah? A No sir.
Q No middle name? A No sir.
Q What is your husband's name? A John Israel.
Q You say he has been enrolled? A Yes sir, he enrolled for himself and two of the children.
Q Is he an Indian? A Yes sir.
Q He enrolled for himself and two of your children? A Yes sir.
Q Was this child born then? A No sir.
Q He enroll for you? A No sir.
Q What are the two children's names? A Nellie and Philip Israel.
Q What is the oldest one named? A Nellie.
Q He has enrolled two, one of them is named Mary? A Well it is Mary too, I didn't know how he give it, Mary or Nellie.
Q You and your husband are not living together? A Not now.
Q That's what I asked you awhile ago and you said you were; you ought to tell the truth about these things when these questions are asked you if you want to get on the roll? A I misunderstood you.
Q He swears he is not living with you? A (No reply.)

Sarah Israel et al 2

Q You say your father was named Vann Ward? A Yes sir.

Q And your mother named Julia? A Yes sir.

Q Your mother was a white woman and your father an Indian? A Yes sir.

Q Is your father dead? A No sir.

BY MR. HASTINGS:

Q How old is this child? A 6 weeks old Tuesday.

Q How long have you and your husband been separated? A About 4 years.

BY COM'R NEEDLES:

Q Your father never had a wife named Mary? A Not that I know of.

HASTINGS:

Q Is your mother living now? A Yes sir.

Q John ever have a white wife named Louisa? A No sir, not that I know of.

Q Were you ever called John? A No sir, if he ever had another wife it is more than I know.

Q Did you draw what is known as the strip money, do you know? A Yes sir.

Q You drew that before you married? A No sir, I was married.

1880 authenticated roll of citizens of the Cherokee Nation
1896 census roll of citizens of the Cherokee Nation both examined for applicant and name not found.

1894 pay roll of citizens of the Cherokee Nation examined and applicant identified the reasons follows:

page 787 #906 Sarah Israel, Illinois District.

Q Have you proof of your marriage to John Israel? A No sir, I have got witnesses.

Q You don't pretend that this child is John Israel's child?

Yes sir, it is.

Q And you have been parted with him for the last six years? A Yes sir.

Q You have had a divorce? A No sir.

Q But you haven't lived together for the last six years? A Yes sir we have lived together all the time; part of the time, he is gone and part of the time he is with me.

Q Comes around occasionally? A Yes sir, runs around.

BY MR. HASTINGS:

Q Where were you living when you were first old enough to remember six or eight years old? A I don't recollect; first place I remember living was in the Nation.

Q Well where? A Up there in Delaware District.

Q Near what town? A Southwest City.

Q How far from Southwest? A About 5 miles.

Q Who were you living with? A Living with my pa.

Q Where was your mother? A She was there.

Q Where was she then? A She was to her pa's.

Q They weren't living together as husband and wife? A No sir.

Q And they never were married, as a matter of fact? A My pa and ma?

Q Yes? A Yes sir.

Q Your father was living with another woman named Mary wasn't he?

A I don't recollect him ever having another one.

Q You never heard of it? A No sir, I never heard of it.

Q How long did you live up there? A I don't recollect.

Q You don't remember ever living there do you? A No I don't remember ever living there after Mamma left him.

Q Well you have just now contradicted your self, because you said you was living over there and she was living over at her pa's?

A (No reply.)

Q After you got big enough to remember who were you living with?

A When I can remember I was with my grandparents.

Q What was his name? A Richard Furlow.

Q Where does he live? A In Missouri.

Q What town in Missouri? A About 4 miles from Parry.

Sarah Israel et al 3

Q How old were you when you left Purdy, Missouri? A I don't remember how old I was.

Q Well about how old? A I just can't tell you.

Q ~~Yxxxx~~ Well were you grown? A No sir.

Q You think you were as much as 15 years old? A No sir, I don't think I was.

Q Your best judgment now? A About 13.

Q Then where did you go? A Come to the nation.

Q What part? A Up here towards Tablequah, about 7 miles this side.

Q Who did you live with up there? A My uncle.

Q What was his name? A J. Jeffrey.

BY COM'R NEEDLES:

Q Have you got any witnesses here who know about your citizenship?

A No sir.

BY MR. HASTINGS:

Q Where were you married to this man Israel? A Close to Eureka School House.

Q Who married you? A Parson Dobson.

Q You ever been married before? A No sir.

Q You ever married since? A No sir.

BY COM'R NEEDLES:

Q How long was it you said since you and your husband separated?

A Been about 4 years ago.

Com'r Needles: Sarah Israel applies for the enrollment of herself and her child, Loyd. She avers that she is a Cherokee by blood. Her father was one Vann Ward and her mother Julia Ward, now Julia McPhearson. She cannot be identified upon any of the rolls of the Cherokee Nation except the 1898 pay roll. She is duly identified according to page and number of said roll as indicated in the testimony. She avers that she ~~ixx~~ was married to John Israel, who is duly listed for enrollment as a Cherokee by blood on card 7,464, and reference is made to the testimony taken in the matter of the enrollment of the said John Israel. It appears from said testimony that said John Israel did not apply for the enrollment of his wife, stating in his testimony that he was separated from her. From the testimony of John Israel satisfactory proof is made as to the marriage, either legal or common law, between the said John Israel and his said wife, Sarah, the applicant. No proof whatever is adduced as to the citizenship of the said Sarah Israel, and neither he nor her father nor mother can be identified upon the authenticated roll of 1880. The applicant avers that she has one child, Loyd Israel, 6 weeks old, and she avers that said Loyd is a child of said John, her husband although she avers in her testimony that they have been separated, but no divorce has ever been procured. She still considers herself the wife of John Israel. No proof is made as to the birth of said Loyd Israel, and it will be necessary for application to make satisfactory proof as to the birth of said child. From the facts stated in the testimony the said Sarah Israel and her child Loyd will now be listed for enrollment as Cherokees upon a doubtful card, awaiting further consideration of the Commission. When the Commission considers said case it will be necessary to enter into the consideration of the testimony of John Israel in the matter of his application.

M.D. Green, being first duly sworn, states that as stenographer to the

Sarah Israel et al

Commissioner to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

MD
Subscribed and sworn to before me this October 2nd, 1901.

C. R. Buckmaster

Commissioner.

1021231

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902


ACTING COMMISSIONER

File with case C. D. #1231.

Supl.-C.D.#1186.

**SUPPLEMENTAL DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MEMPHIS, I.T., MARCH 21, 1902.**

**SUPPLEMENTAL in the matter of the enrollment of GEORGE BECK
as a citizen of the Cherokee Nation:**

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Commission: It is directed that a copy of the testimony
had in Cherokee Rejected case, R.486, be filed with and made a
part of the record in the case at bar, and likewise in the
case Cherokee doubtful #1231.

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I, J. O. Rossen, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes I correctly transcribed and
copied the above part of the testimony as appears in the supplemen-
tal proceedings had in the matter of the enrollment of George Beck,
and that the foregoing is a true and correct copy of the same.

J. O. Rossen

CD 1731

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 31 1902

ACTING CHAIRMAN

Supl.-C.D.#1231.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of SARAH ISRAEL
as a citizen of the Cherokee Nation;

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her applicant. The applicant has this day, to-wit: the 22 day of March, 1902, been called and failing to respond either in person or by attorney the case is deemed completed and the same will be reported to the Commission for final decision based upon the evidence now of record.

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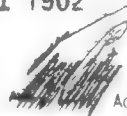
I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

CD 1231

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 31 1902



ACTING CHAIRMAN

File with case of Sarah Israel, C. D. #1231.

Supl.-C. #7464.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JOHN ISRAEL, ET AL., as citizens of the Cherokee Nation, intro-
duced on part of the Cherokee Nation:

JOHN ISRAEL, being duly sworn, testified as follows:
MR. HASTINGS, Cherokee Representative:

- Q What is your name? A John Israel.
Q What is your age? A About 28.
Q What is your post office? A Braggs.
Q Did you ever marry Sarah Israel? A Yes, sir.
Q About how long ago? A Oh, it has been ten or 11 years ago.
Q How long did you live with her? A You mean at home?
Q Yes. A About, ohk I could not tell you how long it was.
Q Well, about how long? A Well, maybe about a year.
Q Then did you separate? A Yes, sir.
Q Have you ever lived with her since as husband and wife?
A Well, while at a time.
Q Up until when? A Well, maybe seven or eight years ago up until
that time.
Q She has a child when she applied to the Dawes Commission on Sep-
tember last, last September she had a child then six weeks old
that she called Loyd, she tell that was your child; have you lived
with her as husband and wife for the last three years? A No, sir.
Q You swear that? A Yes, sir; and can prove it.
Q Do you know whether she has had a child since this child was
born? A If she has I didn't know it.
Q Well, do you know this child not to be your child?
A Yes, sir; I think I do.
Q You know whether you have lived with this woman for the last
three years or not? A Well, I haven't.
Q And you swear that? A Yes, sir; she has got two.
Q She has got two thzat are not yours? A Yes, sir.
Q What is the name of the other one? A Let's see what she does
call it -- Mary I believe.
Q She has had them two since you separated? A We had two.
Q Well, you have enrolled Mary? A That is ours; I have got the
two that I enrolled.
Q Phillip and Mary? A Yes, sir.
Q What is the two? A I don't know anything about the other two.
Q Has she got two besides Phillip and Mary? A Yes, sir.
Q And they are not your children? A No, sir; the two I got she
said they were mine and I took them.
Q They were born while you lived together? A Yes, sir.
Q And these others were born since and not your children?
A No, sir, she always said the oldest one was Beaty's.
Q Who was the older, Mary or Loyd? A Loyd.
Q Do you know who she claims this last child, who was the
father of it? A Bracket.
Q She didn't claim it to be yours? A I never heard her.
Q Were you ever married before you married this woman?
A No, sir.
Q Was she? A No, sir.
Q Has she been married since you separated? A Not lawfully.
Q Well, has she been living with anybody around over the country?
Q Yes, I guess she has; she has got children, bound to be.

Commission: It is directed that a copy of this testimony be filed with and made part of the record in the case of Sarah Israel, Cherokee card No. D.1221.

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I, J. O. Keenan, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Keenan

Cherokee D-1231.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application for the enrollment of Sarah Israel, et al., as citizens by blood of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on September 26, 1901, Sarah Israel (22 years old) appeared before this Commission, at Fort Gibson, Indian Territory, and made personal application for the enrollment of herself and her minor child, Loyd Israel, as citizens by blood of the Cherokee Nation. A copy of the testimony taken at Fort Gibson, Indian Territory on April 24, 1901, and at Muskogee, Indian Territory on March 22, 1902, in the matter of the application of John Israel, for enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the testimony taken at Tahlequah, Indian Territory on December 12, 1900, in the matter of the application of Robert McPhearson, et al., for enrollment as citizens by blood of the Cherokee Nation, have been filed with and made a part of the record in this case.

The evidence in this case shows that Sarah Israel, who is identified upon the 1894 Cherokee Strip Payment Roll, is the daughter of Julia McPhearson, a white woman, and Vann Ward, a Cherokee Indian, whose name appears upon the 1880 Authenticated Cherokee Tribal Roll. The minor applicant, Loyd Israel, is the child of the said Sarah Israel, and having been born subsequent to the preparation of the last Tribal Roll, is identified by proper proof of birth filed herewith.

The evidence further shows that Sarah Israel has resided continuously in the Cherokee Nation from the date of her birth until the date of this application, with the exception of a temporary absence in Missouri, during her minority. The residence of the minor applicant is taken to be that of his mother.

It is therefore the opinion of this Commission that Sarah Israel and Loyd Israel should be enrolled as citizens by blood of the Cherokee Nation, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Lane Dwyer

Chairman.

J. H. ...

Commissioner.

...

Commissioner.

Muskogee, Indian Territory,

ATTORNEYS

L. M. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 1231.

VINITA, IND. TER.

190

Muskogee, I. T., March 13, 1902.

John Israel,

Braggs, I. T.

Dear Sir:

Enclosed herewith find a subpoena for your attendance before the Daves Commission at Muskogee on the 26th day of March, 1902. Please accept service of the same by signing the blank stamped in red ink at the bottom of the subpoena, and return to us by first mail, and advise us if you will be here promptly on that date.

Yours truly,

D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of , 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the..... day of..... A. D. 190...

.....
Subscribed and sworn to before me
this

.....
Notary Public.
.....

NOTICE!

IN THE MATTER OF the application of Isaac Israel,
for enrollment as Cherokee citizens:
Case No. D 151.

To Isaac Israel, Port of 308, 1.
You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Indian Territory, on April 11, 1884, at 10 o'clock A.M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 11, 1884.

Attorneys for the Cherokee Nation.

COMMISSIONERS.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1231.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 30, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 30, 1905, granting the application for the enrollment of Sarah and Loyd Israel as citizens by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Incl. S-13.


Chairman.

IN THE MATTER OF THE APPLICATION

Sarah Israel, et al.

RECEIVED
MAY 2 1885

MAY 2 1885 Cancelled and record
Transferred to 10882

IN THE MATTER OF THE APPL.

Larrah I need

general testimony 7/26/01

Trans. of application 7/26/01

Birth affidavit sent to

Test from John I need case ^(April 1901)

In case a letter and receipt

of birth record

Notice of final consideration, 3/2/02

1881

1881

1881

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See chronic folder

Cher D 1232

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1941-1942

145

1. The Board of Directors of the American Telephone and Telegraph Company, Inc. (AT&T) has approved the proposed acquisition of the American Telephone and Telegraph Company, Inc. (AT&T) by the American Telephone and Telegraph Company, Inc. (AT&T).

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 26, 1901.

In the matter of the application of William Hadley for the enrollment of his wife LAVENIA HADLEY, as a Cherokee citizen by blood; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A William Hadley.
Q What is your post-office? A Texanna.
Q What district do you live in? A Canadian.
Q You apply to be enrolled as a Cherokee citizen? A No sir, I am a white man.
Q Who do you apply for? A My wife.
Q What is your wife's name? A Lavenia Warspeaker.
Q Her name is Hadley? A Yes sir.
Q How old is she? A 17.
Q What is her father's name? A William Warspeaker.
Q Is he living? A No sir, dead.
Q Was he a Cherokee by blood? A Yes sir.
Q What is your wife's mother's name? A Ida Herod.
Q Was that her name, wasn't her name Warspeaker? A Yes sir.
Q Your wife's mother living? A Yes sir.
Q Is she a Cherokee by blood? A No sir, a white woman.
Q Her husband was a Cherokee then? A Yes sir.

Com'r Needles: Applicant presents a marriage license and certificate certifying that he was married to one Lavenia Warspeaker according to the laws of the United States on the 5th day of December, 1899.

1880 authenticated roll of citizens of the Cherokee Nation examined and William Warspeaker identified on page 874 #1248 Wm. Warspeaker, Saline District.

- Applicant: My wife's mother may be on the roll Ida Taylor.
Q Was she married to a man named Taylor? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's wife's mother and name not found.
1896 census roll of citizens of the Cherokee Nation examined for applicant's wife, and name not found.

- Q Your wife ever draw any money from the Cherokee nation? A Yes sir.
Q Did she draw the Strip money? A Yes sir.

1894 pay roll of citizens of the Cherokee Nation examined and applicant's wife identified on page 108 #2266 Lavena Warspeaker, Canadian District.

- Q Have you any proof of marriage between your wife's father and mother? A No sir.
Q You know where your wife was born? A Yes sir, she was born in Canadian District.
Q Always lived in the Cherokee Nation? A Yes sir.
Q Lives in the Cherokee Nation now? A Yes sir.

Com'r Needles: William Hadley applies for the enrollment of his wife, Lavenia. He avers that she is a daughter of William Warspeaker, deceased, and the name of William Warspeaker is duly identified upon the authenticated roll of 1880 according to page and number of the roll as indicated in the testimony. He avers that the mother of his wife was named Ida Warspeaker, that she is a white woman; no proof of marriage is made between the father and mother of Lavenia, for whom enrollment is applied for. The name of Lavenia cannot be found upon any of the

William Hadley for wife Lavenia 2

rolls of the Cherokee Nation except the pay roll of 1894. She is identified upon that roll according to page and number of the roll as indicated in the testimony. The applicant presents satisfactory proof of marriage to said Lavenia, according to the laws of the United States, he himself being a white man. He avers that the mother of Lavenia was a white woman. It will be necessary first before the enrollment of the said Lavenia Hadley is completed that satisfactory proof be made to the Commission of the marriage between William Waremaker and his wife Ida, whom the mother of the applicant's wife. Satisfactory proof is made as to evidence, consequently, Lavenia Hadley, wife of William Hadley, will be now listed for enrollment as a Cherokee citizen, upon a doubtful card, awaiting further consideration of the Commission.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this October 2nd, 1901.

C. R. Buckmaster

Commissioner.

Lawrence H. H. H. H.

CANCELLED

Original testimony 7/26/11
1. Memo of application 7/26/11
Marriage license by certificate

CANCELLED

James A. H. H. H.

Original 1000
Citation 1/26/01
Citation 1/26/01
Citation 1/26/01

Cher D 1233

Cher D 1233

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01

Cherokee by blood.

DOUBTFUL as to children, Sallie and Thomas R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept. 26, 1901.

In the matter of the application of Samuel Foreman for the enrollment of himself and 2 children as Cherokee citizens by blood; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Samuel Foreman.
Q How old are you? A I am 32 years old.
Q What is your post-office? A Texanna.
Q What district do you live in? A Canadian District.
Q You apply to be enrolled as a Cherokee by blood? A Yes sir.
Q You want to enroll anybody but your self? A I want to enroll my family.
Q Your wife? A No, my wife is a white woman; we have been lawfully married; we was married about '98.
Q What is the names of your children? A Sallie Frances, is the oldest.
Q How old is she? A She was born, we have been living together, ~~six~~ nine the spring of '94; wasn't lawfully married until '98, July '98.
Q Is her name Sallie Frances Foreman? A Yes sir.
Q How old is she? A I believe she is 6 years old.
Q What is the name of your next child? A Thomas Edward.
Q How old is he? A 2 years old.
Q Is your name on the authenticated roll of 1890? A I guess so.
Q What is your father's name? A I don't know what he enrolled his name by his right name or not, his name was Edward, he went by the name of Tyler Foreman.
Q Was he an Indian? A Yes sir.
Q What is your mother's name? A Elizabeth.
Q She an Indian citizen? A Yes sir.
Q They both living? A No sir.
Q They both dead? A Yes sir.
Q Your father and mother living in 1890? A My mother was dead, my father was living. But after the enrollment was made, I recollect the taking of the census at that time, they issued me in some way, I was living with my grandmother; my father didn't enroll me and she didn't; and I was enrolled afterwards.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 430 #631 Samuel Foreman, Goingsnake District. native Cherokee
~~page~~ 1890 census roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 749 #863 Samuel Foreman, Goingsnake District.
page 749 #864, Sallie F. Foreman, Goingsnake District.

- Q Are these children living at this time? A Yes sir.
Q Have you always lived in the Cherokee Nation yourself? A Yes sir.
Q All your life? A Yes sir.
Q What is your wife's name? A Dora Foreman.
Q Have you any certificate of marriage to her? A Yes sir, but she has it herself; she is at her mother's in the Choctaw Nation now.
Q When were you married to her? A In July, '98, I think, I disremember exactly.
Q Married according to the laws of the United States? A Yes sir.
Q Did you live with her before you married her? A Yes sir.
Q How long? A We commenced living together in the spring of '94.
Q You lived with her continuously from the spring of '94 until now? A Yes sir, until I was sent to prison.
Q You were legally married in '98? A Yes sir.
Q Were you ever married before you married her? A Yes sir, she

Samuel Foreman et al 2

my second sworn.

Q Were you divorced from the first one? A Yes sir, she was dead.

Q When did she die? A She died in December '93.

Q That was before you commenced living with Dora? A Yes sir.

Q Was Dora ever married before? A Yes sir.

Q Her husband living? A Yes sir, he is living.

Q Is he living now? A Yes sir.

Q Was she ever divorced from him? A Yes sir, I think she was legally divorced by his marriage.

Q Never had any legal divorce? A No sir, never had no legal divorce.

BY MR. HASTINGS, Cherokee Representative;

Q How long has she been in the Choctaw Nation? A How long has she been there; she went there last fall, last winter, she stayed with my first mother-in-law down here; that's Mr. Riddle's wife, until last winter, and she went with her mother.

BY COM'R NEEDLES:

Q Are these children living? A Yes sir, they are living.

BY MR. HASTINGS:

Q You said you were in Jail? A I was in prison.

Q Where? A Fort Leavenworth.

Q When did you go? A I went last May a year ago; was sentenced the 9th of May.

Q '99? A Yes sir, 1900 I reckon; this is 1901.

Q For larceny? A No sir, whiskey.

BY COM'R NEEDLES:

Q Couldn't drink up all the whiskey yourself, so concluded to sell some? A I drank a right smart of it.

Com'r Needles: Samuel Foreman applies for the enrollment of himself and 2 children, named Sallie F. and Thomas E. He is duly identified upon the authenticated roll of 1880 and the census roll of 1896, and makes satisfactory proof as to residence; he avers that he lived with his wife since the year 1894 and was legally married to her in July 1898, but presents no certificate of marriage; it will be necessary for him to do so. He avers that his wife, Dora, was married before he commenced living with her, and had separated from her husband, and that she had no legal divorce. He avers that the oldest child, Sallie, 6 years of age, was born before the legal marriage, but after he and his avowed wife commenced living together. He avers that his younger child, Thomas E., was born since his legal marriage, - if there was a legal marriage, - and the child Sallie is duly identified upon the census roll of 1896; it will be necessary for the applicant to make satisfactory proof of birth of Thomas E., whose name does not appear upon the rolls. Also proof of his marriage with Dora: Under the circumstances the 2 children, Sallie and Thomas E. will be listed for enrollment upon a doubtful card, awaiting further consideration of the Commission. The applicant himself will be listed for enrollment upon a straight card as a Cherokee citizen by blood.

M.D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 2nd, 1901.

L. R. Bucknind

Commissioner.

CD 1233

REPORT OF THE COMMISSIONER OF THE INTERIOR
TO THE SENATE AND HOUSE OF REPRESENTATIVES
ON THE PROGRESS OF THE CIVILIZATION OF THE INDIAN TRIBES
IN THE YEAR 1882

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 11 1882

ACTING CHAIRMAN

REPORT OF THE COMMISSIONER OF THE INTERIOR
TO THE SENATE AND HOUSE OF REPRESENTATIVES
ON THE PROGRESS OF THE CIVILIZATION OF THE INDIAN TRIBES
IN THE YEAR 1882

Supl.-C.D.#1253.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of SALLIE F. FOREMAN, ET AL., as citizens of the Cherokee Nation:

Samuel Foreman was notified by registered letter March 3, 1902, that the application for enrollment of Sallie F. Foreman, et al., as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting said application. The applicant having this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

J. A. O.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sallie F. Foreman and Thomas E. Foreman as citizens by blood of the
Cherokee Nation:

D E C I S I O N .

The record in this case shows that on September 26, 1901, Samuel Foreman appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of his minor children, Sallie F. Foreman and Thomas E. Foreman, as citizens by blood of the Cherokee Nation.

The evidence shows that the said Sallie F. Foreman and Thomas E. Foreman are the minor children of Samuel Foreman, who is identified upon the 1880 authenticated roll of the Cherokee Nation and the 1896 Census roll of said nation as a native Cherokee, and his wife, Dora Foreman, a white woman; that the said Samuel Foreman and Dora Foreman lived together from the year 1894 until July 22, 1898, on which date they were lawfully married; that since that time and up to and including the date of this application they have lived together as husband and wife; that Sallie F. Foreman was born before said marriage and Thomas E. Foreman was born after said marriage.

Section 692, of the Compiled Laws of the Cherokee Nation (1892), provides:

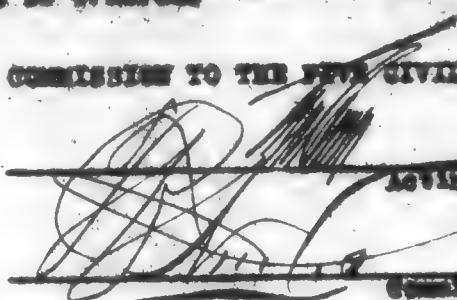
"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

The evidence further shows that Sallie F. Foreman and Thomas E. Foreman were born and have always resided in the Cherokee Nation up to and including the date of this application; that the said Sallie F. Foreman is duly identified upon the 1896 Census roll of said Cherokee Nation and Thomas E. Foreman is duly identified by birth affidavits on file with the Commission.

Cherokee D 1838

It is, therefore, the opinion of this Commission that
Sallie Y. Foreman and Thomas M. Foreman should be enrolled as citi-
zens by blood of the Cherokee Nation, in accordance with the provis-
ions of Section XI, of the Act of Congress approved June 20, 1906
(34 Stat., 426), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 1233.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Samuel Foreman for the enrollment of his two minor children, Sallie F. and Thomas E. Foreman, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 17.

Sallie F. Foreman et al

UNITED STATES

DEPARTMENT OF JUSTICE

Original testimony Sep 26-1901

Memo. of a deposition Sep 26-1901

Birth affidavit Thos Foreman

Notice of final consideration 3/29/02

SALLIE F. FOREMAN

D-1236

Thos Foreman

11/1/01

See to be held for the 17562

Cher D 1234

Cher D 1234

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FILED
5 1901

ACTING CHAIRMAN

The following information was obtained from the records of the Bureau of Census, Washington, D.C., regarding the enrollment of the United States Army during the period from January 1, 1901, to December 31, 1906.

The enrollment of the United States Army during the period from January 1, 1901, to December 31, 1906, was as follows:

Year	Enrollment
1901	100,000
1902	105,000
1903	110,000
1904	115,000
1905	120,000
1906	125,000

The above information was obtained from the records of the Bureau of Census, Washington, D.C., and is subject to change without notice.

-R-

Cherokees by blood.

REJECTED as to applicant, Ida Toney.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept. 27, 1901.

In the matter of the application of Ida Toney for the enrollment of herself as an intermarried Cherokee citizen and for the enrollment of her two children and two step-children, as Cherokees by blood; being sworn and examined by the Commission she testified as follows:

- Q What is your name? A Ida Toney.
Q How old are you? A 24 years old.
Q What is your post-office address? A Illinois Station, (Campbell)
Q Do you apply for enrollment as a Cherokee by blood? A No sir, not myself.
Q Do you apply for yourself? A I don't know; I have got my license here; ~~he~~ was just married to a Cherokee. (Produces papers.)
Q Do you want to apply? A Yes sir.
Q Do you apply for anybody besides yourself? A No sir, just myself and my children, I have 2 of my own and my 2 step-children.
Q Your 2 step-children, are they his step-children? A No sir, they are mine.
Q Give me the name of the oldest child? A John Toney.
Q How old is John? A 12 years old.
Q Next one? A Susie Toney.
Q How old? A 10.
Q Next one? A Jennie Toney, that's mine.
Q How old? A She is 5.
Q Next one? A George Toney.
Q How old is he? A He is 3.
Q Are these children all alive and living with you at the present time? A Yes sir.
Q What was the name of your father? A Tom Hutton.
Q What is the name of your mother? A Susan Hutton.
Q Is she living? A Yes sir.
Q Is your father living? A Yes sir.
Q Your parents were never recognized citizens of the Cherokee Nation? A No sir.
Q Who is the father of these children? A Tom Toney.
Q Is he living or dead? A He is dead.
Q Is he a Cherokee by blood? A Yes sir, he was a full-blood.
Q Does his name appear upon the Cherokee rolls? A Yes sir, it is on the 1880 roll, I don't know whether it is on the last roll or not.
Q Who was the mother of John and Susie? A Susie Webber.
Q Is she living or dead? A No sir, she is dead.
Q Was she a Cherokee? A Yes sir, she was part Cherokee and part Creek.
Q You are the mother of Jennie and George? A Yes sir.
Q When were you married to Tom Toney? A It says on the paper.
Commission: There is offered in evidence a marriage license authorizing the marriage of Thomas Toney to Miss Ida Hutton, issued by ~~the clerk of the Northern~~ J.A. Winston, Clerk of the United States Court for the Northern District of the Indian Territory on the 22nd day of January, 1896, and a certificate showing that the marriage was consummated on the 26th day of January, 1896, by W.H. Rutherford, Minister of the Gospel. Same is filed herewith.
Q Was Tom Toney ever married before he married you? A He had a woman, but I don't know whether they were married or not.
Q Was she living when you married Tom? A No sir, she was dead.
Q Was you ever married before? A No sir.
Q When did your husband die? A 28th of last July.
Q Have you married since his death? A No sir.

Ida Toney et al 2

Q Were these children all born in the Cherokee Nation? A Yes sir every one.

Q They are living here at the present time? A Yes sir.

Q Do you know where your husband was living about 21 years ago, in what district? A He has told me always that he has lived in that district all his life.

Q Did he ever go by any other name than Toney? A No sir, well he had a Cherokee name, but then I can't speak it.

BY J.L.BAUGH, Cherokee Representative:

Q Who was Tom Toney's father? A I couldn't tell you.

Q You know who his mother was? A No sir, I don't.

His mother married Dick Box, after his father was dead.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's husband and name not found thereon.

BY COMMISSION:

Q Have you any idea what that Cherokee name was? A I can't speak it like it is, but it is something like Detsake; he drew strip money and Old Settler money.

Q Did your husband have any brothers or sisters living?

A Yes sir, he has one sister, Mollie Toney; she is staying with me now since he has been dead.

Q Has she enrolled? A No sir, I don't think she has, you know the full-bloods hardly any of them enrolled this last time.

Q You know how old Susie Webber would be if she were living?

A I don't know sir, she must have been about 30 I expect when she died.

Q How long has she been dead? A She has been dead 7 years.

Q You know what her father's name was? A Bill Webber.

Q Did she ever go by any other name other than Webber? A No sir, not that I know of.

1880 authenticated roll of citizens of the Cherokee Nation examined for Susie Webber and name not found.

Q Susie Webber have any brothers and sisters? A Yes sir, she had a half-sister named Sallie and a half-brother named Charley; and then she had some own sisters.

Q You know any of her own sisters? A Betsy, they called one of them.

Q Was she older than Susie or younger? A I never did hear them say, she never talked any English herself.

Q Why didn't you apply last year when the Commission was around here? A He was living then, and he was a full-blood and he said he wouldn't apply; you know there was a heap of the full-bloods that wouldn't.

Q When did he die? A Last July, he was killed.

1880 authenticated roll of citizens of the Cherokee Nation examined for Bill Webber, and name not found.

1896 census roll of citizens of the Cherokee Nation examined and applicants husband and children identified as follows:

page 911 #2001 Thomas Toney, Illinois District.

page 911 #2002 John Toney, Illinois District.

page 911 #2003, Susan Toney, Illinois District

Q Did you have a child named Ida? A No sir, that's my name.

1896 census roll of citizens of the Cherokee Nation examined for applicant and identified thereon as follows:

page 936 #202, Ida Toney, Illinois District.

Q Did your husband draw the Strip Payment money for John and Susie?

Ida Toney et al 3

Q Were they living together? A I don't know, I think though he said they was.

Q Did he have any children other than John and Susie by his first wife? A He had one more, but it is dead.

Q What was its name? A Liza.

1894 pay roll of citizens of the Cherokee Nation examined and applicant's step-child and husband's former wife identified on page 851 #2188 Suckey Webber, Illinois District.
page 851 #2189 John Toney, Illinois District.

Q Do you know the date of the birth of Jennie, what day she was born? A She was born the 22nd of December.

COMMISSION: Ida Toney applies for the enrollment of herself as a citizen by intermarriage and for the enrollment of 2 step-children John and Susie and for the enrollment of her two children, Jennie and George. She avers that Tom Toney, a Cherokee full-blood, is the father of the children; he cannot be identified upon the authenticated roll of 1880 but is identified upon the census roll of 1896 and the Strip payment roll of 1894. She avers that said Tom Toney had 2 children by a former wife, by the name of Susie Webber, and that said Susie Webber was a Cherokee full-blood. She cannot be identified upon the authenticated roll of 1880 nor upon any of the tribal rolls except the Strip payment roll of 1894. Of the 2 children, John and Susie, John is identified upon the census roll of 1896 and the Strip payment roll of 1894, and his child Susie is identified upon the census roll of 1896; the two children, Jennie and George, children of the applicant by her husband Tom Toney, are not identified upon any of the tribal rolls of the Cherokee Nation, having been born since said rolls were compiled. She will be required to make satisfactory proof as to their births of these two children. The said John, Susie, Jennie and George Toney, will be duly listed for enrollment as Cherokees by blood upon a doubtful card, awaiting further proof as to the citizenship of their father. The applicant produces satisfactory proof as to her marriage to said Tom Toney on the 26th day of January, 1895; this is too late for her to acquire property rights in the Cherokee Nation under the Cherokee law of December 18th, 1895, with reference to intermarried white people to citizens by blood of the Cherokee Nation, consequently the application which she makes for the enrollment of herself as a citizen by intermarriage is rejected.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 2nd, 1901.

M. D. Green

Commissioner.

These transcripts of the at-wood style notes placed.
 Proceedings in the case, and that the foregoing is a true and cor-
 rect copy of the same as the same was presented to the Commission to the Five Civilized Tribes. I solemnly swear that the
 1. Mr. Hutchinson, do hereby certify that as stenographer to the

DEPT. OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES
 L. B. D
 1902
 Acting Chairman

21234

the evidence now of record.
 and will be referred to the Commission for their final decision passed upon
 Charles Hutton present at the trial. The case, which is deemed completed.
 The report of the subject and the representative of the

IN CONNECTION OF MR. BIRDSON You should go on, yes, A Yes sir.
 is the only woman that he had. A That is all I know of.
 MR. BIRDSON: He said he had one other wife during that time. That

A I could not tell you, about a year or two.
 Q How far did he pass that before she died
 Q Then he took another wife and kept her until she died. A Yes sir.
 the second wife.
 A No sir, didn't. The wife that you are talking about was the
 Q Had she with her all the time
 A No sir, not after I knew of.
 MR. HARRISON: You say he never married to his first wife.

A This woman has never married since his death. A No sir.
 A Is her name dead. A Yes sir.
 A Still living. He is in the Creek Reservation. A Yes sir.
 A How long had he in the first woman. A About two.
 A How long had he in the second woman. A About two.
 A How long had he in the third woman. A About two.
 A How long had he in the fourth woman. A About two.
 A How long had he in the fifth woman. A About two.
 A How long had he in the sixth woman. A About two.
 A How long had he in the seventh woman. A About two.
 A How long had he in the eighth woman. A About two.
 A How long had he in the ninth woman. A About two.
 A How long had he in the tenth woman. A About two.
 A How long had he in the eleventh woman. A About two.
 A How long had he in the twelfth woman. A About two.
 A How long had he in the thirteenth woman. A About two.
 A How long had he in the fourteenth woman. A About two.
 A How long had he in the fifteenth woman. A About two.
 A How long had he in the sixteenth woman. A About two.
 A How long had he in the seventeenth woman. A About two.
 A How long had he in the eighteenth woman. A About two.
 A How long had he in the nineteenth woman. A About two.
 A How long had he in the twentieth woman. A About two.

R.

C. D-1234.

Department of the Interior.
Commission to the Five Civilized Tribes/
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Ida Toney for the enrollment of her children and step-children as citizens of the Cherokee Nation.

Appearances:

I. P. Bledso, agent for applicant.

W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of her children and step-children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, I. T., on the 22nd day of March, 1902. The applicant this day, to-wit: the 22nd day of March, 1902, appears in person and by her agent, I. P. Bledso.

IDA TONEY, being first duly sworn, and being examined, testified as follows:

MR. BLEDSO: What is your name? A Ida Toney.

Q What is your age? A Twenty-four.

Q Where do you live? A Five miles northeast, in the Illinois District.

Q Cherokee Nation? A Yes sir.

Q How long have you lived there? A Seven years.

Q What is your husband's name? A Tom Toney.

Q Cherokee Indian by blood? A Yes sir.

Q Where were you married to him? A Illinois Station.

Q Is he living or dead? A He is dead.

Q Did you live with him up to the time of his death? A Yes sir.

Q Have you had any children by him? A We had two children.

Q What are their names? A Jennie and George.

Q Did he have any children prior to that?

A Yes sir, John and Susie.

Q Was he married before he was married to you? A Yes sir. He had a wife.

Q Was she dead when you married him? A Yes sir.

Q You never married before? A No sir.

Q Never married since? A No sir.

Q Are these children all living, living with you?

A Yes, all living. The daughter is not living with me, she is staying with her grandmother.

MR. HASTINGS: Who married you to the father of these children?

A I could not tell you. It was on the license, license here before the court at Fort Gibson.

Q You never married before? A No sir.

Q You know that Tom had a wife? A Yes, I know he had a wife.

Q Did you know her personally?

A Yes, I was there when she was buried, and dressed her when she died.

Q Before you was married? A Yes sir.

MRS. ELIZABETH DUNN, being first duly sworn, and being examined, testified as follows:

MR. BLEDSO: What is your name? A Mrs. Elizabeth Dunn.
 Q How old are you? A I could not tell you, about 70 or over.
 Q Where do you live? A In Illinois District.
 Q Cherokee Nation? A Yes sir.
 Q How long have you lived there? A I have been living there since 1859.
 Q Are you a Cherokee Indian by blood? A Yes sir.
 Q Did you know this Tom Toney? A Yes sir.
 Q Was he a Cherokee Indian by blood? A Yes sir.
 Q Always so recognized? A Yes sir, he is a full blood.
 Q What was his name? A Tom Detastesky.

BY COMMISSION: What would his English name be?
 A We always called him Tom Toney. His old father was named Toney.

MR. BLEDSO: Did he have any brothers?
 A He had William Toney, the only brother grown. He has been dead a long time, though. Then he had a father on the old roll, called him Detastesky.
 Q About how old would Tom be if he was living now?
 A I don't know. He was born about 1859, the same year I was married.
 Q Always live in Illinois District?
 A I was married within a few days of the time he was born. They lived close to the Cherokee settlement--
 Q Always live in Illinois District?
 A Yes sir, close to Webbers Falls.
 Q What was Tom Toney's mother's name?
 A Susan Boggs, step-father Dick Boggs.
 Q Did Dick Boggs live in Illinois?
 A Yes sir, all lived in Illinois.
 Q What was the maiden name of the mother of Tom?
 A I think it was Woodard.
 Q When did Tom Toney die? A He was killed last summer, about six or seven months ago.
 Q Was he a full blood? A Yes sir.

BY COMMISSION: Had he always lived in the Cherokee Nation? A Yes sir.
 Q Born and raised there? A Raised right by us there.
 Q He had always been recognized as a citizen? A Yes sir, nothing else.
 Q Did you know his first wife, Susie Webber? A I knew her.
 Q Was she a full blood Cherokee? A Part Creek and part Cherokee.
 Q Was she recognized as a Cherokee or a Creek? A Went by both.
 Q Did she live in the Cherokee Nation? A Yes sir.
 Q Always lived there? A Always lived there.

MR. HASTINGS: Did Tom Toney's mother marry Boggs next after his father died, or marry somebody in between? A No sir.
 Q Who did she live with after Tom Toney died?
 A The life of Toney? Just her and her mother.
 Q What was her mother's name? I am talking about old man Toney, and Tom's mother.
 A Who did she live with after Tom's father died? She was Boggs' wife when she died.
 Q I mean just in between that, between the time she lived with Tom's father and when she married Boggs.
 A The old man and her parted a long time ago, when Tom was a little bit of a child.
 Q Who did she go to live with before she lived with Boggs? Did she change her name in there?
 A No sir; she never did change her name that I know of.
 Q Where did she make her home? A At the old place, where she always lived.
 Q Just she and her child lived together there, nobody else?
 A Yes sir, her mother.
 Q What was her mother's name? A Dahgy.

MR. BLEDSO: Do you know how many children Tom had?

A Two by this lady

Q Two by his first wife? A Yes sir. He never married her, this other one.

Q What are the names of the children? by the first wife?

A I think the boy is called John.

Q What is the girl's name? A I could not tell.

Q Was that woman dead when he married this other one? A Yes sir.

Q Do you know the names of the children of the last woman?

A I don't know.

Q How many had he by this last woman? A I think two.

Q Still living? Here in the Cherokee Nation? A Yes sir.

Q Is Tom Toney dead? A Yes sir.

Q This woman has never married since his death? A No sir.

MR. HASTINGS: You say he never married to his first wife?

A No sir, not that I know of.

Q Lived with her all the time?

A No sir didn't live with her until after the last child was born, the second child.

Q Then he took up with her and kept her until she died? A Yes sir

Q How long did he keep her before she died?

A I could not tell you, about a year or two.

MR. BLEDSO: He didn't have any other wife during that time? That is the only woman that he kept? A That is all I know of.

BY COMMISSION OF MR. BLEDSO: You submit the case? A Yes sir.

The agent of the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ida Toney for the enrollment of her two children, Jennie Toney and George Toney, and two step-children, John Toney and Susie Toney, as citizens by blood of the Cherokee Nation:

DECISION.

The record in this case shows that on September 27, 1901, Ida Toney appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment, among others, of her two children, Jennie Toney and George Toney, and two step-children, John Toney and Susie Toney, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902. The other parties to the application are differently classified and are not embraced in this decision.

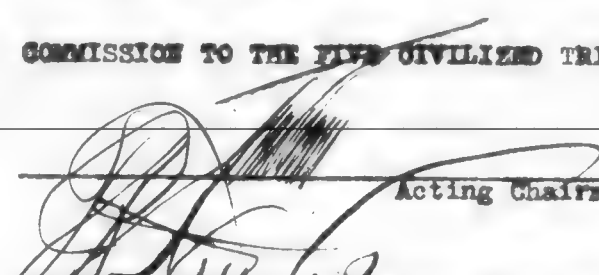
The evidence shows that John Toney and Susie Toney are the minor children of Thomas Toney, a full blood Cherokee, who is identified upon the 1894 strip payment roll and the 1896 census roll of the Cherokee Nation as a native Cherokee, and one Susie Webber, who is identified upon the 1894 strip payment roll as a native Cherokee; that the said John Toney and Susie Toney were born and have always lived in the Cherokee Nation up to and including the date of this application; that the said John Toney is duly identified upon the 1894 strip payment roll and the 1896 census roll of said nation, and said Susie Toney is identified upon the 1896 census roll of said nation.

The evidence further shows that after the death of said Susie Webber, said Thomas Toney was married to one Ida Hutton, a white woman, on January 26, 1896.

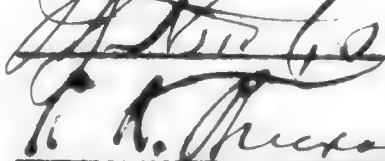
The evidence further shows that the said Jennie Toney and George Toney are the minor children of said Thomas Toney by his said wife, Ida Toney; that they are too young to be upon any of the rolls of the Cherokee Nation but are duly identified by birth affidavits on file with this Commission; that they were born and have always resided in the Cherokee Nation up to and including the date of this application.

It is, therefore, the opinion of this Commission that John Toney, Susie Toney, Jennie Toney and George Toney should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

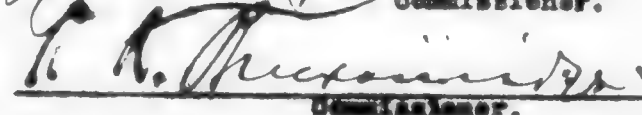
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

C. D. 254.

1234

Copy sent to John L.
Brown, Wian, I. T..

Tallace Thornton.
Wian, I. T.

Thomas Carlile.

Campbell, I. T.

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF -----

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.

C. D. 1234.

Cherokee, I. T., Feb. 21, 1907.

Dear Sir:-

A woman by the name of Ida Toner is 31 years, whose last-known address is Campbell, I. T., has applied to the Dawes Commission for enrollment as a Cherokee by int. marriage for herself, and for the enrollment of two children and two step-children as Cherokees by blood. The two step-children are Tom Toner, 12 years old, and Essie Toner, 10 years old, and are children of Tom Toner and Essie Teller, both full blood Cherokees and now dead. Tom Toner was a sister of the late of Teller. They can not be identified upon the roll of 1880. Will you kindly make inquiry and ascertain for us what their names were in 1880 and also what their Cherokee names were. We would also be glad to know whether Essie Teller was alive at the time of the marriage of Ida Toner to Tom Toner or not. The citizenship of the two children of Ida Toner depend on a legal marriage of Ida Toner and Tom Toner. Ida and Tom Toner were married on the 26th day of ~~1888~~ January, 1887, and we would like to know whether Toner's former wife was alive on that date or not.

Yours truly,

R. B. CARLILE

—DEALER IN—

General Merchandise and Live Stock



Illinois Station, I. T. 2-22 1902
(Campbell P. O.)

Mr. J. C. Starr
Muscoyee I.T.
Dear Sir

Yours in regard to
Thos. Tony and his sister
Nellie Tony they have been residents
of this Dist all of their lives and
were always recognized Citizens
had no other names. that I
can hear of. This white woman
was a Hutton before she married
Tony. his former wife Bill Webbers
daughter had been dead more
than one year I think. Their
marriage was legal I think they
procured N.S. licens and had
a minister by the name of
Weems perform the Ceremony
R. B. Carlile

June 2 - 124 1890

Dear Mother
I have just received
your letter of the 24th and
am glad to hear from
you. I am well and hope
these few lines will find
you the same. I am
thinking of all the
kindnesses you are
showing me and
am sure that you
will be very kind to
write to me soon. I
do think they
will be very long
when I was well.

You can find out by
Wallace Rutley Post at
Cannell St. in
that neighborhood

Yours &c

Wallace Thornton

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1234.

A DIRECTION OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Ida Toney for the enrollment of her two children, Jennie and George Toney, and two step-children, John and Susie Toney, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 20.

~~John J. Toney~~

~~1775~~

~~Original testimony Sep 27-1902~~

~~Memo of application Sep 27-1902~~

~~Marriage license & certificate~~

~~Birth cert Geo Toney~~

~~Birth cert James Toney~~

~~Notice of final consideration 3/22/02~~

~~Frank J. Toney~~

~~To~~

~~Cherokee~~

~~# 97-11~~

~~See Cherokee jacket No 2020~~

Cher D 1235

Cher D 1235

ated and that he has procured a divorce from her. No satis-
 with his wife. He also says that he has been advised that there have been
 laws of the Cherokee Nation. He also swears that he lived
 Commission evidence of his marriage in accordance with the
 with the same. It will be necessary that he file with the
 procured a Cherokee license and was married in accordance
 Cherokee Nation, and therefore no satisfactory proof can be
 was married in accordance with the laws and customs of the
 stated roll of 1880 as a native Cherokee. He swears that he
 to one Katie Taylor, who is duly identified upon the anthro-
 pa record. He swears that he was married in the year 1908
 ment of himself as a citizen by instrument and for the enrol-
 of himself as a citizen by instrument and for the enrol-

COMMISSION: Fred D. McNamara, of Tulsa for the enrollment

#831, in the "Land" Trust district.

name of applicant's deceased wife being thereon, page 24.

1880 unperfected roll of Cherokee citizens examined and

Q It is in your custody of the present time? Yes, sir.

McNamara, Tahlequah district.

of applicant's son found thereon, page 1808, #2104, Fred D.

thereon, page 817, #2420, Galt Taylor, Tahlequah district.

examined and found of applicant's former wife identified

1880 unperfected roll of citizens of the Cherokee Nation

Q Is this child living with you at the present time? Yes, sir.
 Q Who is the mother of this child? A Katie McNamara.
 Q How old is he? A
 Q What is the name of this child? A Fred D. McNamara.
 Q Do you also apply for this child? A Yes, sir.

McNamara, Tahlequah district.

ed and identified thereon page 1882, #1113, Fred D.
 1880 Census

Fred D. McNamara, et

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

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1235

STRAIGHT, as to child, Fred B. McEnery.

R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 27, 1901.

In the matter of the application of Fred D. McEnery for enrollment as a Cherokee citizen by intermarriage and for the enrollment of his son, Fred B. McEnery, as a citizen by blood; said McEnery being duly sworn, testified as follows:
BY THE COMMISSION:

- Q What is your name? A Fred D. McEnery.
Q How old are you? A 34.
Q What is your post office address? A Stilwell.
Q What district do you live in? A Flint.
Q Do you apply for enrollment as a Cherokee by blood or intermarriage? A Intermarriage.
Q What is the name of your father? A James D. McEnery.
Q What is the name of your mother? A Mildred.
Q Are your father and mother both living or dead? A Father is dead.
Q Mother is living? A Yes, sir.
Q Your parents never have been recognized as citizens of the Cherokee Nation? A Oh, no.
Q What is the name of your wife? A Lizzie McEnery.
Q Is she living? A Yes, sir.
Q How old is she? A 28.
Q Are you living with her at the present time? A Yes, sir.
Q When were you married? A We were married in '98, but then I have been a citizen of the Nation since '91.
Q Have you any evidence of your marriage to your present wife?
A I have evidence of my marriage to my first wife.
Q Have you any to your second wife? A No, I haven't with me, she has already enrolled, you will find the child.

The attention of the Commission is invited to a marriage license authorizing the marriage of Fred D. McEnery and Miss Lizzie E. Lynch. The license was issued by J. A. Winston, Clerk of the United States Court, Northern district, Indian Territory, on the 7th day of January, 1899. It is accompanied by a certificate showing that the said Fred D. McEnery and Miss Elizabeth E. Lynch were duly united in marriage in accordance with said license on the 22d day of February, 1899, by R. A. Tuell, a minister of the gospel. The same is filed in Cherokee case No. 808, the same being the case of the applicant's wife, Lizzie McEnery.

- Q Were you ever married before you married your present wife?
A Yes, sir.
Q What was the name of your first wife? A Katie Taylor.
Q Is she living or dead? A Living, divorced.
Q When were you married to her? A Married to her in 1892.
Q Have you any evidence of your marriage? A I haven't any license but Mr. Hastings knows I was married.
Q Were you married according to the laws of the Cherokee Nation?
A Yes, sir.
Q Where did you procure a license? A Tahlequah.
Q How long did you live with her? A Six years.
Q Was she a Cherokee by blood? A Yes, sir.
Q Was she ever married before she married you? A No, sir.
Q Are you divorced from her? A Yes, sir.
Q Who procured the divorce, you or your wife? A I procured it. Mr. Hastings there was my attorney.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Yes, sir.
Q What roll? A '94 and 1896; '93 and '96; just before the Cherokee payment, I think it was in '96.

Fred D. McEnery, et al. -2-

1896 Census roll of citizens of the Cherokee Nation examined and applicant identified thereon page 1285, #177, Fred D. McEnery, Tahlequah district.

- Q Do you also apply for a child? A Yes, sir.
Q What is the name of the child? A Fred B. McEnery.
Q How old is he? A He is eight.
Q Who is the mother of this child? A Katie McEnery.
Q Is this child living with you at the present time? A Yes, sir.

1880 Authenticated roll of citizens of the Cherokee Nation examined and name of applicant's former wife identified thereon, page 817, #2430, Caty Taylor, Tahlequah district.

1896 Census roll of Cherokee citizens examined and name of applicant's son found thereon, page 1208, #2104, Fred B. McEnery, Tahlequah district.

- Q This child is living at the present time? A Yes, sir.
Q It is in your custody? A Yes, sir.

1880 Authenticated roll of Cherokee citizens examined and name of applicant's present wife found thereon, page 377, #821, Lizzie Lynch, Flint district.

COMMISSION: Fred D. McEnery applies for the enrollment of himself as a citizen by intermarriage and for the enrollment of ~~himself~~ his child, Fred B. McEnery, as a citizen by blood. He avers that he was married in the year 1892 to one Katie Taylor, who is duly identified upon the authenticated roll of 1880 as a native Cherokee. He avers that he was married in accordance with the laws and customs of the Cherokee Nation, but produces no satisfactory proof that he procured a Cherokee license and was married in accordance with the same. It will be necessary that he file with the Commission evidence of his marriage in accordance with the laws of the Cherokee Nation. He also avers that he lived with his wife Katie about six years, that they have separated and that he has procured a divorce from her. No satisfactory proof is introduced as to the said divorce, and the applicant will be required to file with the Commission either the original decree of the Court or a certified copy thereof. He will be listed for enrollment as a Cherokee by intermarriage upon a doubtful card, pending the decision of the Commission and the receipt of the documents requested. When the decision of the Commission is finally rendered he will be notified at his post office address.

In the matter of the enrollment of his child, Fred B. McEnery, the mother of this child is identified upon the authenticated roll of 1880 as Caty Taylor. The child is duly identified upon the census roll of 1896. The applicant avers that the child is living at the present time, and he will be listed for enrollment as a Cherokee by blood. The applicant further avers that he was married to his present wife, Lizzie McEnery, who is duly identified upon the authenticated roll of 1880 as Lizzie Lynch, in 1899, and that they have lived together continuously since that time.

---oooOooOoo---

J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 8th, 1901.


Commissioner.

D1235

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1901



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

To link

Name 34 David D. Mc Emery Date Sept 27 1909
 District Tahlequah Year 1896 Page 1285 No. 177
 Citizen by blood No Mother's citizenship James D. Mc Emery &
 Intermarried citizen Yes Mildred living
 Married under what law N. D. Date of marriage Feb 22, 1899
 License 28 filed Certificate filed
 Wife's name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship Doubtful
 Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License _____ Certificate _____

Names of Children:

David D. Mc Emery	Dist. <u>Tahlequah</u>	Year <u>1896</u>	Page <u>1285</u>	No. <u>2104</u>	Age <u>8</u>
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Application by No 1.

Stenographer, John O. Rosson

Evidence of marriage by Chur. law. required
 divorce from 1st wife

X Ref 808.

X Ref to this

CD 1235

transcript of my stenographic notes present.
 above proceedings, and that the foregoing is a true and complete
 translation to the said divided tribes I certify that an stenographer to the
 1: 2: 0. House of Representatives

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THE INTERIOR
 DIVISION
 ACTING CHAIRMAN

declaration passed upon the evidence of the record.
 completed and will be returned to the Commission for their
 record thereof in person or by mail. The case is deemed
 with the 35th day of March, 1905, the applicant having
 respecting his application. The applicant having testified
 family would be given him in person or by mail. The case is deemed
 the Commission either in person or by mail. The case is deemed
 Indian Territory, and that the applicant has been called and
 considered then by the Commission at its office at Fort Linn
 citizen of the Cherokee Nation would be taken up for final
 1905, that his application for the enrollment of himself as a
 The applicant was notified by registered letter March 3,

as a citizen of the Cherokee Nation:
 SUBMITTAL in the matter of the enrollment of ARNOLD D. McENERY

Noted, L. D. March 28, 1905.
 Division to the said divided tribes,
 Department of the Interior.

CD 1235

Supl.-C.D.#1235.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of FRED D. McENERY
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant having this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---ooo000ooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Psychiatric Society

Y.D. 168.

THE THE THE THE THE

Given to me under a power and not at office as

Test data:

following: they received notice now in the office and in the
 apartment building of the apartment and the apartment was
 in a building and they received the notice from the building
 records in the for the apartment building have been in the office

THE QUESTION OF THE MARCH

Executive Department, Department of Defense, Washington, D.C.

ACTING

Yuzonius poliocephalus

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 19 1902

JUN 19 1902

June 18, 1908

I am custodian of the DE
COMMISS
certify that such records are now on file in this office and
will be directed the issuance of such license; I further
and Kate Taylor and the Marriage Records of said District
District for the record of license issued to Fred McNulty
have made every every thing the records of Indianapolis

1. Horology relating to time and the measuring of time

important job. I found that people were not taking control of their own lives.

CHEROKEE 5-1538

Cherokee B. 1236.

Executive Department, Cherokee Nation.

I hereby certify that I have made careful search through the records of Tahlequah District for the record of license issued to Fred McNery and Kate Tayler and the Marriage Records of said District fail to disclose the issuance of such license; I further certify that such records are now on file in this office and I am custodian of them.

This June 16, 1902.

J. T. Parker
Executive Secretary.

Executive Department, Cherokee Nation, Tahlequah, Ind. Ter.

This certifies that the Divorce Records in and for Tahlequah District have been by me carefully examined and such records do not show any proceedings wherein Fred D. McNery was Plaintiff and Kate McNery was Defendant, such records being now in this office and in my legal custody.

Given from under my hand and seal of office on
this the 16th. day of June
A.D. 1902.

J. T. Parker
Executive Secretary.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAfee	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Faling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Edda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wylly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaber	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Edwin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosia B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clora Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Teebe	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marecella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Q

11225

11225
MAR 3 1

CHAIRMAN

COMMISSIONERS
HARRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1235

Muskogee, Indian Territory,

March 3,

1902.

Mr. Fred D. McNery,

Stilwell, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application., **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your marriage license and certificate of marriage to your first wife, Katie; also certified copy of decree of divorce from your wife Katie, required.

Register.

Yours truly,

Acting Chairman.

Commissioner in Charge.

ATTORNEYS

OFFICE OF

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

O. D. 1235
No. F. D.

VINITA, IND. TER.

190

Muskogee, I. T. March, 14, 1902.

Mrs. Lizzie McNary,

Stillwell, I. T.

Dear Madam:-

A man by the name of Fred B. McNary, your husband has applied to the United States Commission for enrollment as a citizen of the Cherokee Nation by inter-marriage. We have been advised that he is not living with you now, and if this be true, kindly advise us the cause of the separation, and state if he abandoned you, or willfully deserted you, and if so, where did he go, and when did he desert you. State any facts that you may know effecting his right to enrollment as a Cherokee citizen.

Yours truly,

C D. 1235-

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of A. D. 190...

Given under my hand this.....
day of A. D. 190...

.....
Marshal for the Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
.....day of 190...

.....
Attorney for applicant.

.....
UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190...

.....
Subscribed and sworn to before me
this

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Fred D. Colner
for enrollment as Cherokee citizens:

Case No. D 1225

To Fred D. Colner, Stillwell, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 22, 1905 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 14, 1905.

W. W. Hastings
Attorneys for the Cherokee Nation.

Sturgeon, J. T.

March 20 1902

Hon. J. C. Harr

Muskogee, J. T.

Dear Sir

In view of
our, Fred H. McEwen
and his family failed to
provide a home for me
and my children, and
witnesses, etc., and
has a continuous
morphine habit.

I have not lived with
him since 1901. I think
He will not
make a living for any
rooming, and will not
on a chest & head, will not
take any more advice.
Keep him off the gold
if I can. Although
he is the father of my
child, but that has not
made a living for me.

Yours Truly
Lizzie McHenry.

Cherokee D 1238

Muskogee, Ind. Ter., June 12, 1902.

Mr. J. T. Parks,

Executive Secretary Cherokee Nation,

Tahlequah, Ind. Ter.

Sir:

In the matter of the application of Fred D. McNery for enrollment as a citizen of the Cherokee Nation, you are requested to furnish this Commission with a certified copy of divorce proceedings had in the district court at Tahlequah sometime during the year 1892, in which Fred D. McNery was plaintiff and Katie McNery was defendant.

You are also requested to furnish marriage license and certificate issued at Tahlequah in 1892 to Fred D. McNery and Katie Taylor.

Yours truly,

Commissioner in Charge.

Cherokee D 1295

Mashogee, Ind. Ter., June 27, 1902.

Mr. Fred D. McNery,
Stillwell, Ind. Ter.

Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of this case, that you furnish this Commission with a certified copy of decree of divorce from your wife, Katie McNery.

It is also necessary that you submit testimony showing that you were married to Katie McNery in accordance with the laws of the Cherokee Nation.

This evidence must be submitted to this Commission on or before July 12, 1902.

Yours truly,

Register.

Commissioner in Charge.

Cherokee D 1235.

Muskogee, Indian Territory, September 11, 1902.

John O. Rosson,

Tahlequah, Indian Territory.

Dear Sir:

Fred B. McEnery has been listed for enrollment by the Commission as a citizen by intermarriage of the Cherokee Nation on Cherokee roll card, field No. D 1235.

Applicant stated, when he applied for enrollment, that his postoffice address was Stilwell, Indian Territory, but letters addressed to him at that place have been returned unclaimed.

The Commission desires proof of his marriage to his former wife, Katie, who is identified on the roll of 1880 as Caty; also, proof as to his divorce from her.

You are directed to make every effort to ascertain the whereabouts of the said McEnery, and furnish the Commission with the evidence above indicated.

Yours truly,

Acting Chairman.

Cher. D1235

Muskegee, Indian Territory, January 10, 1907.

Fred D. McNery,
Stikwell, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D
1235

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Fred D. McNery,

Stilwell, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,



Commissioner.

MH

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to

Nation which were made prior to November 3, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC



After 10 days, return to

MUSKOGEE, IND. T.



J. C. Starr

Muskogee, I. T.

Fred S. M. S. S. S.
12:30



2

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



*Reg. No. 85-
79*

~~Fred D. McNery,~~

~~Stilwell, Indian Territory.~~

4-1-07



1237

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



Fred D. McEnery,

~~Stilwell~~, Indian Territory.

*Gone
Address Unknown*

DESTRUCTION

D 1235

(105)

Department of the Interior.

Commission to the Five Civilized Tribes

Fred D. - Emery

C. ... S.

Original testimony Sept 27, 1901

B. Memo of application Sept 27, 1901

C. Notice of final consideration, 3/22/02

See Cher. Jacket. M. 808

and 7569

D 1235

Cher D 1236

Cher D 1236

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 3rd, 1901.

In the matter of the application of Ezekiel C. McLaughlin for enrollment as a Cherokee citizen by blood; he being first duly sworn, testified as follows before Commissioner C. R. Breckinridge:

- Q Give me your full name? A Ezekiel C. McLaughlin.
- Q What is your age? A I am 65 past.
- Q What is your post office? A Ardmore.
- Q Are you a citizen of the Cherokee Nation? A I have been living here since the war, I was driven out of here by the war, and lived in the Choctaw Nation, and then in the Chickasaw Nation.
- Q Is there any particular district in the Cherokee Nation where you claim you citizenship? A Delaware.
- Q And you claim citizenship in the Delaware District? A That was where I was born and raised.
- Q And you claim Delaware District now as your home? A Yes sir, that would be my birth land.
- Q You say you were born in the Cherokee Nation? A Yes sir.
- Q What amount of Cherokee blood have you? A I am pretty near a half breed.
- Q Have you always lived in the Cherokee Nation or down in the Choctaw or Chickasaw Nations? A Yes sir.
- Q Did you live in the Cherokee Nation from the time of your birth to the time you were driven out by the war---until you went to the Choctaw Nation? A Yes sir.
- Q Give me your father's name? A E. B. McLaughlin.
- Q Is your father dead? A Yes sir.
- Q How long has he been dead? A He died before the war.
- Q Give me the name of your mother? A Polly.
- Q Is she dead? A Yes sir.
- Q How long has she been dead? A She died before my father.
- Q Are you on any of the rolls of the Cherokee Nation? No sir, I am not on any rolls; I enrolled my children in the Choctaw Nation, they are Choctaws; I never tried to get on myself.
- Q Have you ever been admitted, re-admitted or recognized in any way as a Cherokee citizen? A I don't understand that.
- Q Have you ever been re-admitted to Cherokee citizenship since you went out during the war? A Yes sir, about six years ago.
- Q How were you re-admitted? A By Council.
- Q Have you a copy of your citizenship papers? A No sir.
- Q Where is it? A On the ledger of the Council.
- Q Didn't they give you a paper to show that you had been re-admitted? A Yes sir, but for other purposes it was borrowed from me at Tahlequah, and never was returned to me.
- Q Have you never drawn any money in the Cherokee Nation? A Not since the war.
- Q Are you on any of the rolls? A On the emigrant roll.
- Q Did you come from Georgia? A I was born in this country, but I drew money as an emigrant.
- Q When was that payment? A I don't remember the year, it was at Fort Gibson.
- Q Have you ever applied to be enrolled with any other tribe or Nation except the Cherokee Nation? A No sir.
- Q Why didn't you try to get your strip money? A They wouldn't pay it to me.
- Q Did you try to get on the strip payment roll, or just come up when the payment was made? A I tried to get on the roll, and they wouldn't enroll me because they said I had not lived here since the war.
- Q Was your father a Cherokee? A Yes sir.
- Q Was your mother a Cherokee? A Yes sir.
- Q Your mother's mother, was she a Cherokee? I don't know, she was dead before I was born; My grandmother on my father's side was a Buffington before she married.
- Q You don't apply for anybody besides yourself? A No sir, that is all.
- Q Your family you have enrolled a Choctaws? A Yes sir, I enrolled them before youn's when you was down there.

The 1880, 1896 and 1894 rolls of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Have you any purpose of making the Cherokee Nation your home now?

A It looks like the land is about to be divided up, and I would like to get my share of it.

Q Do you intend to come back here and make it your home? A I might and I might not; I am crippled pretty badly and this country up here is too cold for me.

By Com'r Breckinridge; The applicant applies for the enrollment of himself only. It appears that he is a Cherokee by Blood, he stating that he about a half-breed and his father and mother, died before the war, were both Cherokee citizens and of Cherokee blood. He further states that he was born in the Cherokee Nation and here lived until he went out during the war to the Choctaw Nation, where he married and has continued to live ever since. His wife and children he states have been listed for enrollment as Choctaws, but he has never applied for enrollment as a citizen of any other tribe or nation except the Cherokee. He is not identified on any roll in the possession of the Commission but states that he is on the Emigrant Roll, a roll made some time prior to the Civil War. He was not permitted to enroll for the purpose of drawing the the Cherokee Strip Money, but states that he has been re-admitted to Cherokee citizenship by the Cherokee Council. He is not able at this time to supply a copy of his re-admission certificate. For the further consideration of the applicant's case, he will now be listed for enrollment as a Cherokee by blood on a doubtful card and the final decision will be made know to him at his post office address. He is desired to supply the Commission with a copy of the certificate of re-admission.

+++++

SUPPLEMENTAL QUESTIONS, of APPLICANT.

Q Did you try to get on the Cherokee census roll of 1896? A No sir.

Q Did you try to get on the old roll of 1880? A No sir.

Chas. Von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in the full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. Von Weise.

Subscribed and sworn to before me this the 4th day of October, 1901.

T. B. Needles,

COMMISSIONER.

CDN 236

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE TIER CIVILIZED TRIBES
FILED
MAR 31 1962

ACTING CHAIRMAN

Supl.-C.D.#1236.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of EZEKIEL McLAUGHLIN as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J/ O. Rosson, ~~being~~ do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

191236

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 17 1902

ACTING CHIEF

Notary Public.

Subscribed and sworn to before me this 16 day of May, 1902.

on this date.

True and correct transcript of her statement as given in my own
presence on May 16, 1902, and that the above and foregoing is a true
and correct copy of the proceedings had in the above entitled
case as stated in the Commission to the Five Civilized Tribes

Anna Bell, having been first sworn on her oath as

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MAY 15, 1902.

In the matter of the application of E. C. McLaughlin for enrollment as a citizen by intermarriage of the Choctaw Nation. He being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A E. C. McLaughlin.
Q It is Mc - capital L-a-u-g-h-l-i-n? A Yes sir.
Q How old are you? A I am going on sixty four; will be next month.
Q What is your post office address? A Ardmore.
Q That is in the Chickasaw Nation? A Yes sir.
Q How long have you resided in the Chickasaw nation? A I have been residing in the Chickasaw Nation about six or seven years; moved out of the Choctaw Nation into Chickasaw Nation. I lived several years in the Choctaw Nation; that is where I belong. The Choctaws and Chickasaws can hold their country together.
Q Just answer the questions. You say you have been living in the Chickasaw Nation? A Which?
Q You have been living in the Chickasaw Nation for six years? A Yes.
Q Before you moved in the Chickasaw Nation you lived in the Choctaw Nation? A I first left the Cherokee Nation--
Q Wait a minute. You say you have been living in the Chickasaw Nation for six years and before that time you lived in the Choctaw Nation? A Yes sir.
Q How long did you live in the Choctaw Nation? A I don't know exactly; several years; I refuged --
Q Wait a minute? A I could not tell you.
Q You don't know how long you lived in the Choctaw Nation? A No sir.
Q You have lived there for the past twenty five years in the Choctaw and Chickasaw Nations? A Thirty.
Q Thirty? A Yes, over thirty some; I never expected to use it and kept no account of it.
Q What was your father's name? A E. B. was his name.
Q Was he a white man? A No sir, he was part Cherokee.
Q What was your mother's name? A Which?
Q What was your mother's name? A She was a McDowell before she was married. She was part Cherokee.
Q What was her given name? A Polly.
Q Your parents are both dead? A Yes sir, been dead for several years.
Q Have you ever been recognized by the Cherokee tribal authorities as a citizen of the Cherokee Nation? A Which? Ever lived among them known as a Cherokee?
Q Have you ever been recognized as a citizen by any act of admission of the Council? A Not by the Council only that where they taken me in there. And I have been recognized here as a Choctaw citizen for years.

The applicant on October 3, 1901, at Vinita, Indian Territory, made personal application to the Commission for enrollment as a citizen by blood of the Cherokee Nation, and on October 9, 1901, there was filed and made a part of his application a certified copy of an act of the National Council of the Cherokee Nation readmitting Ezekiel C. McLaughlin to all the rights and privileges of other native born Cherokees by blood, providing that he remove within the Cherokee nation and permanently locate within one year after the passage of this act.

- Q You were married to a citizen by blood of the Choctaw Nation, were you not? A Which?
- Q You were married to a citizen by blood of the Choctaw Nation, were you not? A Yes sir.
- Q What was her name? A Susan.
- Q What? A Susan, she was a Harkins before I married her.
- Q When did you marry her? A I married her I think -- my first wife, I had two, my first wife, I think I married her in '55, then she died and I married this other, she is the mother of these boys you are talking about now.
- Q What is her name? A Ellen Harkins; she was a Harkins too.
- Q Both of your wives were citizens of the Choctaw Nation?
- A Yes, Choctaws by blood.
- Q Always recognized as such? A Yes sir.
- Q When was you married to your second wife, Ellen? A Let's see, I married her about I suppose it must have been about twenty six years ago since I married the last time. My first wife didn't live only about five or six years before she died.
- Q Well, where did you marry Ellen Harkins? Where was she living?
- A I married down in the Choctaw Nation.
- Q What place? A Let's see-- where that old fort stood down there-- let's see, I don't remember the county now-- I don't remember the county.
- Q What? A I can't remember the county.
- Q Don't you know the place where you were married to her? A Yes, we were married down there and then I moved out west in the edge of the Choctaw Nation.
- Q Who married you? A A man by the name of Durant. He is dead long ago.
- Q How long did you live with Ellen Harkins? A Why she must have lived about six or seven years before she died.
- Q Now, how long did you live with Ellen, your second wife?
- A Let me study; we lived about twenty six or twenty seven years before she died.
- Q You lived with her up until the time of her death? A She was my wife when she died.
- Q When did she die? A About five or six years ago.
- Q Have you married since? A No sir.

The name of the applicant is found upon the 1896 Census Roll of the Choctaw Nation as a citizen by intermarriage, page 396, number 14886, as a resident of the Chickasaw District of the Choctaw Nation.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings had in the above entitled cause on May 18, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 16 day of May, 1902.

Charles H. Langston

Notary public.

201236

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 17 1902

Notary Public.

Emphasized and sworn to before me this 17th day of May, 1902.

and others, present at the above mentioned meeting in said town on May 12, 1902, and that the above and foregoing are true and correct as stated by the said Indians and that the undersigned has in the above named matter acted as a notary public to the Commission to the Five Civilized Tribes.

And I, the undersigned, do hereby certify that the above and foregoing are true and correct as stated by the said Indians and that the undersigned has in the above named matter acted as a notary public to the Commission to the Five Civilized Tribes.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MAY 15, 1902.

In the matter of the application for enrollment as citizens of the Choctaw Nation of George W. McLaughlin, David W. McLaughlin, Andrew L. McLaughlin, Sampson McLaughlin and Walter McLaughlin.

E. C. McLaughlin, being first duly sworn, testifies as follows:

Examination by the commission.

- Q What is your name? A My name?
- Q Yes? A Ezekiel.
- Q Give your full name? A My father?
- Q No, your full name? A Ezekiel Collins McLaughlin.
- Q What is your age? A I am going on sixty four years old, I will be sixty four years old in June.
- Q Where do you live? A Now?
- Q Yes sir? A Ardmore, near there; about four miles.
- Q How long have you been living in the Chickasaw Nation? A I have been living there about five years or six.
- Q Where did you live before that? A I lived the most of the time in the Choctaw Nation.
- Q Not most of the time; just directly before you lived in the Chickasaw Nation where did you live? A Well, that is the only place I live at Ardmore.
- Q Well where did you live before you lived in the Chickasaw Nation?
- A I lived in the Cherokee Nation.
- Q How long did you live in the Cherokee Nation? A About two years.
- Q When was that? A I don't know that; I lived there in the Chickasaw Nation five or six years.
- Q Were you living in the Cherokee Nation when you got that act of Council? A I was living there just before that payment came off and made two crops, and what year did you say it was?
- Q 1894? A Well, it was in '05 or '6 that I moved back down there.
- Q Into the Chickasaw Nation? A Yes.
- Q Where were you living before you lived those two years in the Cherokee Nation? A Well, I lived near Doaksville several years.
- Q What Nation? A In the Choctaw Nation.
- Q How long did you live in the Choctaw Nation? A I suppose I must have lived there about seventeen or eighteen years.
- Q Where did you live before you lived in the Choctaw Nation? Where did you originally come from? A Well, I come from the Cherokee Nation; I refuged out here the time of the war.
- Q How many children have you? A I have only got four living now.
- Q What are their names? A Well, Ellen and George; Ellen, she is married off she is one of my children; I have got three of my children at home now.

- Q Are George W., David W., Andrew L., Sampson and Walter McLaughlin your children by your second wife Ellen Harkins? A Yes sir.
- Q Are they all living? A No, they are not all living.
- Q Is George W. McLaughlin living? A Yes.
- Q Is David W. McLaughlin living? A No, he is dead.
- Q When did he die? A Last Christmas a year ago.
- Q Where did he die? A He died at home, near home.
- Q At Ardmore? A Yes sir, he died about twenty five miles from home but he was living with me; he was off on a visit and got sick.
- Q He is buried down there where you live? A Yes sir.
- Q Is Andrew L. McLaughlin living? A No sir, he is dead.
- Q Well when did he die?
- A Well, he has been dead four years I suppose. I don't remember, I never thought about bringing the papers with me. He died before Will.
- Q About when did he die? A Well, I suppose it's about four years ago now that he died.
- Q Do you think it has been that long? A It might not be quite that long; it is just as I tell you, I don't remember.
- Q Wasn't you before the Commission when they were at Ardmore in 1898?
- A Yes sir, I was before them and all these children were living then.
- Q Andrew died since that time? A Just directly after that.
- Q Is Sampson McLaughlin living? A Yes sir.
- Q Is Walter McLaughlin living? A Yes sir, I left him at home there.
- Q You have got three children by your second wife living? A Yes sir. And then the one I call Ellen; she is married off.
- Q Were these children admitted to citizenship in the Cherokee Nation at the time you were readmitted? A Yes sir, when I was reinstated there they taken them with me and then after that we went to the Chickasaw Nation from the Cherokee Nation.

By an act of the Cherokee National Council approved November 15, 1894, entitled Council Bill Number 9, Ezekiel C. McLaughlin with his children, including the applicants, George W., Sampson and Walter McLaughlin were readmitted to all the rights and privileges of other native born citizens by blood of the Cherokee Nation provided they remove to the Cherokee Nation and permanently located within one year after the passage of this act.

- Q After you obtained this act of readmission of yourself and your children to to citizenship in the Cherokee Nation, November 15, 1894 did you and your family remove to the Chickasaw Nation?
- A Well, I was there, I moved up there some time before that payment and made two crops; I don't know exactly what year, I could not remember. I will tell you about my children, George is of age-- and they want to take their land down there --
- Q Please answer the question. Now after you got this act of admission November 15, 1894, where were you living? A I was living on Arkansas on the Cherokee side.
- Q You were living in the Cherokee Nation? A Yes sir.
- Q Did you have a home there? A No, I hadn't bought no place because I was not able.
- Q Did you have a home over in the Choctaw Nation? A No, I didn't at that time; I had sold out then and moved to the Cherokee Nation.
- Q Did you buy a home in the Cherokee Nation? A No sir.
- Q You sold your home in the Choctaw Nation and came over into the Cherokee Nation when you got this act of readmission; is that right? A How is that?
- Q You sold your home in the Choctaw Nation and came over into the

- Cherokee Nation? A No, I did not.
- Q Did you get a home? A No sir.
- Q Where did you live when you were in the Cherokee Nation? A While I was there I was a renter. I could not make nothing there no way, and I had a little stock there --
- Q Well, you stayed over there in the Cherokee Nation as a renter how long? A In the Chickasaw Nation.
- Q Well, I am talking about this time you stayed over here in the Cherokee nation as a renter when you brought your family and got this act of admission? A I stayed there two years because we raised two crops.
- Q You had your whole family? A They was with me all these seven children and my wife was living then.
- Q Then why did you leave the Cherokee Nation? A I moved back to Ardmore.
- Q Why did you move back to Ardmore? A Well, I had some land there and I could make a living out of it.
- Q How did you get the land at Ardmore? A Well, I taken it up, I didn't buy it.
- Q Did you have the land at Ardmore when you were living in the Cherokee Nation? A I had the land down there at the time I was living in the Cherokee Nation.
- Q Did you sell what you had when you moved to the Cherokee Nation? A Well, I sold that in the Choctaw Nation but I had not sold this in the Chickasaw Nation.
- Q How did you get that in the Chickasaw Nation? A Well, because I had a right to hold land in either nation.
- Q Then you actually held land in the Chickasaw nation at the time you were living in the Cherokee Nation? A Yes, I claimed that land for my children. I didn't expect ever to get a right up there for them; I am not expecting to one for them now. I want them to have their right down among the Choctaw people.
- Q Well, it appears from the records of the Commission that your children Sampson and Walter McLaughlin have been recognized and enrolled by the Choctaw tribe of Indians as citizens by blood of the Choctaw Nation and they also appear to have been admitted to citizenship in the Cherokee Nation by an act of the National Council approved November 15, 1894. The twenty first section of the Act of Congress of June 28, 1898, provides that:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now, under this provision of law do you elect for your two minor children, Sampson and Walter, to be finally enrolled by this Commission and the Secretary of the Interior as citizens of the Choctaw or Cherokee Nation? A Choctaw is where I want them.

- Q In the event that the enrollment of these children as citizens of the Choctaw Nation is approved by the Secretary of the Interior do you relinquish for them all right, title and interest in and to the lands of the Cherokee Nation? A Well, it is just for you to say
- Q They can't be enrolled in both? A I am giving it up for them.

Q Do you for these two children relinquish for these children their right, title and interest to the lands of the Cherokee Nation?
A Choctaw is where I want them.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above cause on May 16, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 16 day of May, 1902.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ezekiel C. McLaughlin
for enrollment as a citizen by blood of the Cherokee Nation:

DECISION.

The record in this case shows that on October 3, 1901, Ezekiel C. McLaughlin appeared before the Commission at Vinita, Indian Territory, and made personal application for his enrollment as a citizen by blood of the Cherokee Nation. On May 15, 1902, it was ordered that the testimony of Ezekiel C. McLaughlin, taken at Muskogee, Indian Territory, on said date, in the matter of the application of E. C. McLaughlin for enrollment as a citizen by inter-marriage of the Choctaw Nation and, also, the testimony of E. C. McLaughlin, taken in the matter of the application for the enrollment of George W. McLaughlin et al. as citizens of the Choctaw Nation, be filed with and made a part of this record.

The evidence shows that Ezekiel C. McLaughlin was born in the Cherokee Nation in 1836 and lived in said nation up to the time of the Civil War, when he removed to the Choctaw Nation where he resided until 1894, when he removed to the Cherokee Nation; that on November 15, 1894, he was readmitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said nation, and resided therein during the two years following said readmission when he removed to the Chickasaw Nation where he has since resided up to and including the date of this application.

It is, therefore, the opinion of this Commission that the said Ezekiel C. McLaughlin should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this SEP 29 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 8th 1902.

Cherokee D 1236.

In the matter of the application of Ezekiel C. McLaughlin for enrollment as a citizen by blood of the Cherokee nation.

Protest of the Cherokee Nation

The Cherokee Nation desires to respectfully protest against the decision of the Commission to the Five Civilized Tribes rendered in the above entitled case and asks that same be forwarded to the honorable Secretary of the Interior for review.

The testimony in this case shows that Ezekiel C. McLaughlin has resided in the Choctaw nation of the Indian Territory from some time during the Civil War up to the year 1894 when he removed to the Cherokee Nation and was readmitted to citizenship by the duly constituted authorities of said Nation on November 16th 1894 and continued to reside in the Cherokee Nation for the two years immediately following his readmission when he removed to the Chickasaw nation where he has since resided up to and including the date of this application and at the time the supplemental testimony was taken.

The only question involved in this case is whether or not a person can be a resident of the Chickasaw Nation or tribe of Indians and retain his citizenship in the Cherokee Nation.

The attention of the Honorable Secretary of the Interior is especially invited to the act of Congress entitled:

"An Act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of townsites therein, and for other purposes" approved July 1st 1902.

Sections seventy-four and seventy-five of said act provides for the ratification of said act of Congress by the Cherokee people, which was

done on August 7th 1902. Section one of said ratified act reads as follows

"Sec 1. The words 'Nation' and 'Tribe' shall each be held to refer to the Cherokee Nation or tribe of Indians in Indian territory."

Section Twenty five of said act provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

Section Twenty-Seven of said act provides,

"Such rolls shall in all other respects be made in strict compliance with the provisions of section twenty-one of the act of Congress approved June twenty-eighth eighteen hundred and ninety-eight (Thirtieth statutes page four hundred and ninety-five) and the act of Congress approved May Thirty-First, Nineteen Hundred (Thirty-First Statutes, page two hundred and twenty-one)"

Section twenty one of the act of Congress approved June 28, 1896, Paragraph Nine, provides:

"No Person shall be enrolled who has not heretofore REMOVED TO AND IN GOOD FAITH SETTLED IN THE NATION IN WHICH HE CLAIMS CITIZENSHIP

Now it will be observed that the word "Nation" as used in said paragraph nine, is especially defined in section one herein above quoted to be "The Cherokee Nation". And it will be noted that section twenty-seven provides that the rolls shall in all other respects be made in strict compliance with the provisions of section twenty-one of the act of Congress of June 28, 1896, and taking these different sections together we do not see how under the law in the Commission to the Five Civilized Tribes is justified in the enrollment of any person who has not prior to June 28th 1896 removed to and in good faith settled in the Cherokee Nation and as the testimony and the decision in this case shows that the applicant has, with the exception of two years between 1894 and 1896, has continuously resided without the limits of the Cherokee Nation, we submit that the Commission's decision in this case should be reversed and the application for the enrollment of Ezekiel C. McLaughlin as a citizen of the Cherokee Nation should be refused under existing law.

Attest:

J. C. Starr
Stenographer Cher. Nation

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation

Department of the Interior
Commission to the Five Civilized Tribes
Ardmore, I.T. October 27, 1902.

Choctaw D-720.
Cherokee D-1236.

In the matter of the application for enrollment as a citizen
by intermarriage of the Choctaw Nation of E. C. McLaughlin.

E. C. McLaughlin being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A E. C. McLaughlin.
Q What is your age? A Going on sixty-four.
Q What is your post office address? A Ardmore.
Q You are the identical E. C. McLaughlin who on May 16, 1902, at Muskogee, Indian Territory, made application to this Commission for enrollment as an intermarried Choctaw? A Yes, sir.
Q Have you any evidence of your marriage to your Choctaw wife? A No, only by people; I have not got my papers that I know of. I have got some papers at home—my marriage certificate, it might be lost.
Q Have you any witnesses here that know of your marriage? A Let me see, not unless Mr. Maytubby knows.
Q First you married Susan? A Yes, sir.
Q That was in fifty-five and then about seventy-five you married Ellen Harkins; they were cousins? A No, sir; full sisters.

Witness excused.....

Peter Maytubby called as a witness after being duly sworn
testified as follows:

- Q What is your name? A Peter Maytubby.
Q Your age? A Sixty-five.
Q Your post office address? A Cadde station.
Q You are a citizen by blood of the Chickasaw Nation? A Yes, sir.
Q Are you acquainted with this applicant E. C. McLaughlin? A Yes, sir.
Q How long have you known him? A I have known him, I think during the Civil War I got acquainted with him, that has been about sixty-four may be, sixty-three or sixty-four.
Q Did you know his first wife Susan Harkins? A Yes, sir.
Q She was a recognized citizen of the Choctaw Nation? A Yes, sir.
Q The applicant and Susan Harkins were always considered man and wife? A Yes, sir.
Q Do you know whether they were married? A No, sir; but they lived together as man and wife I know.
Q After her death he married another Choctaw woman? A Yes, sir.
Q What was her name? A It has been so long I have forgotten her name; I don't remember her name at all; he married another Choctaw woman but I have forgotten her name.
Q He stated that his second wife's name was Ellen Harkins a full sister of his first wife? A Yes, sir.

- Q Did you know his second wife? A I don't remember of ever meeting her.
- Q How often have you seen him since sixty-five? A I could not tell you exactly but I have seen him off and on from sixty-four up until this time.
- Q You knew he was living with both of these women during their life time and that they were always considered his wives? A Yes; did not know the last one died but I did of his first one.

Witness excused.

E. C. McLaughlin recalled testifies as follows:

- Q You have been recognized by the tribal authorities of the Cherokee Nation as a citizen of that tribe? A Yes, sir. Also by the tribal authorities of the Choctaw Nation as a citizen by intermarriage of that Nation? A Yes; I suppose so.
- Q You are a claimant for citizenship in two tribes? A Yes, sir.
- Q Both the Choctaw and Cherokee? A Yes, sir.

The twenty-first section of the Act of Congress of June 28, 1898, under which this Commission is making rolls of the citizens of the Five Tribes of the Indian Territory provides, as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such election in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

- Q How under this provision of law to you elect to become a citizen of the Choctaw or Cherokee Nation? A I want to be a Choctaw.
- Q In the event that you are enrolled by this Commission as a citizen by intermarriage of the Choctaw Nation and that enrollment is approved by the Secretary of the Interior to you relinquish all your title and right to property in the Cherokee Nation? A I suppose I will have to.

Witness excused.....

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 29 day of November 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1236.

ALLISON I. AYERSWORTH
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Ezekiel C. McLaughlin for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 19.

30N

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1236.

Muskogee, Indian Territory, October 24, 1902

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, granting the application of Ezekiel C. McLaughlin for the enrollment of himself as a citizen by blood of the Cherokee Nation, a copy of which said decision was furnished you on September 24, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Acting Chairman

COMMISSIONERS

HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1236.

ALLISON L. AYLESWORTH,
SECRETARY



ADDRESS ONLY FOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

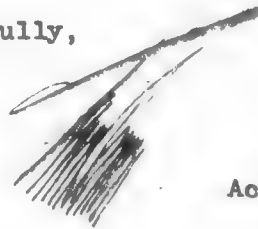
Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of Ezekiel C. McLaughlin for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 13, 1902.

Respectfully,



Acting Chairman.

123
IN THE MATTER OF THE APPLICATION OF

Ezekiel C. McLaughlin

A. Original testimony Oct 3 1901

B. Memo of application Oct 3. 1901

C. Cert of readmission

D. Notice of final consideration, 3/22/02

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1237

Cher D 1237

Commissioner.

Sworn to and subscribed before me this 28th of September, 1901.

Frederick D. [Signature]

the and complete transcript of his stenographic notes thereof.

proceedings and testimony in the above case, and the foregoing is a

the Commission to the Five Civilized Tribes he correctly recorded the

and, assisting the Commission in the consideration of the Commission.
It is for the Commission to the Five Civilized Tribes, and the foregoing is a
to the Commission to the Five Civilized Tribes, and the foregoing is a

COMMISSION TO THE FIVE CIVILIZED TRIBES,
DEPARTMENT OF THE INTERIOR,
FILED
OCT 2 1901

For Choctaw Division.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 24, 1901.

In the matter of the application for the enrollment of Adaline Mulkey as a citizen of the Cherokee Nation by intermarriage.

Lewis A. Mulkey, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Lewis A. Mulkey.
Q What is your age? A 67.
Q What is your postoffice address? A Bennett.
Q What is your district? A Canadian district.
Q For whom do you apply; your wife? A Yes, sir.
Q What is her name? A Adaline.
Q How old is she? A 62.
Q Is she a Cherokee citizen by blood? A No, sir.
Q She is a white woman? A She is on the roll as a Choctaw.
Q Has she been recognized by the Choctaw authorities as a Choctaw citizen? A No, sir.
Q Where were you married? A Texas.
Q When? A '57.
Q The 21st day of May, 1857, is that right? A Yes, sir.
Q Were you ever married before? A No, sir.
Q Have you lived with her continuously since 1857? A Yes, sir.
Q Is she living now? A Yes, sir.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Now according to the record, it is shown that you were readmitted to citizenship by the Cherokee Commission on December 7th, 1889; is that correct? A I don't remember the date.
Q When did you remove from the state of Texas to the Cherokee Nation? A When did I; the same year.
Q Did your wife? A Yes, sir.
Q Been living with her continuously ever since? A Ever since.
Commissioner: The applicant presents a certified copy of the records from the County of San Saba, State of Texas, certifying that he was married according to the laws of the State of Texas, to one Adaline Gaines, on the 21st day of May, 1857. The said certificate will be filed.
Q Was your wife admitted to citizenship at the same time you were readmitted? A No, sir, she never has been, she never did apply.
Q Does your wife's name appear upon any of the rolls of the Cherokee Nation? A It is on one, I don't remember which, Hilderbrand taken the census that year.
The 1896 census roll of Cherokee citizens examined and the applicant identified thereon, page 90, No. 197, as Addie (Adaline) Mulkey, adopted white; note says; "Choctaw; non citizen, does not apply."
By J. L. Baugh, Cherokee representative: Were you and your wife ever remarried after your admission to citizenship? A No, sir.
Q Well you were never married according to the laws of the Cherokee Nation? A No, sir.

Commissioner: Lewis A. Mulkey applies for the enrollment of his wife, Adaline. He presents satisfactory proof of marriage to his wife, but presents no proof of her having been readmitted to Cherokee citizenship, and he avers that he was never married to the said Adaline according to the laws of the Cherokee Nation. The name of his wife Adaline is identified upon the census roll of 1896, according to page and number of the roll as indicated in the testimony. She makes satisfactory proof as to residence. By reason of the legal uncertainty as

to the rights of the said Adaline Hickey, her name will now be listed for enrollment as a Cherokee Citizen upon a doubtful card, awaiting the further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 26th of September, 1901.

C. R. Beckwith

Commissioner.

B.

~~9555~~
D 1287

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901



ACTING CHAIRMAN



Canadian District CHEROKEES BY BLOOD AND ADOPTION.

Date Sept. 24, 1904.Name Bennett, S. J.

District

Year Page No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name Adeline MulkeyDistrict (Choctaw did not apply)Year 1896 Page 90 No. 1971. Citizen by blood ~~Choctaw~~

Mother's citizenship

Intermarried citizen yesMarried under what law M. S.Date of marriage May 21, 1857

License

Certificate Filed

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Application by Thomas
(husband) Levin A. Mulkey

Stenographer Bruce L. Jones

No. 1 on 1896 Roll

as

Addie (Adeline) Mulkey

MEMORANDUM.

On September 24, 1901, at Fort Gibson, Indian Territory, Lewis A. Mulkey applied for the enrollment of his wife, Adaline Mulkey, as a citizen by intermarriage of the Cherokee Nation.

The testimony develops the fact that the said Adaline Mulkey is a Choctaw Indian.

The applicant has been listed for enrollment on Cherokee Roll Card Field Number D 1837.

21437
Certified Copy of
Marriage License
of
Lewis A. Mulkey
to
Adeline Gains

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901



ACTING CHAIRMAN

The State of Texas,
County of ~~San Saba~~ To any Chief Justice,
Justice of the Peace or Regular Ordained
Minister of the Gospel of said County greeting.

You are hereby authorized to celebrate the
rites of Matrimony between Lewis A. Mulkey &
Adeline Gains both of said County and State &
make due return thereof as the law directs.

Given under my hand and private seal there
being no County Seal this 15th day of May A.D. 1857
G. B. Cooke Clerk C. C. S. C.

Executed and returned by the undersigned Justice
of the Peace in & for S. S. County on the 21st day
of May. A.D. 1857.

D. R. Harkey J. P.

State of Texas,
County of San Saba, I, J. M. Rector, County Clerk
in and for San Saba County, Texas, hereby cer-
tify that the above and foregoing is a true and
correct copy of the marriage license of Lewis
A. Mulkey to Adeline Gains with the return thereon
as it is recorded in the records of Marriage
License of San Saba County Texas in Book
D' page 9.

Given under my hand and seal of office
this 22nd day of March, 1901.

J. M. Rector
County Clerk San Saba Co. Tex.

R.

C. D-1237.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Adeline Mulkey for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 22nd day of March, 1902. The applicant this day, to-wit: the 22nd day of March, 1902, appears by her husband, Lewis A. Mulkey.

LEWIS A. MULKEY, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Lewis A. Mulkey.

Q What is your age? A Sixty-seven.

Q Where do you live? A Bennett, Canadian District.

Q You have heretofore made application to the Commission for the enrollment of your wife, Adeline Mulkey, as a citizen of the Cherokee Nation? A Yes sir.

There is offered in evidence a certified copy of an act readmitting Lewis A. Mulkey to citizenship in the Cherokee Nation, on the 7th day of December, 1889.

The act is as follows:

An Act to readmit Lewis A. Mulkey and family to Citizenship.

Be it enacted by the National Council

That Lewis A. Mulkey, age 55, Lucinda Askin nee Mulkey, age 31, Angia Kay Mulkey, age 28, Belle Farmer, nee Mulkey, Julia Mulkey, age 17, James Mulkey, age 12, Vida Mulkey, age 8, Jack Ross Mulkey, age 4, Lucrecia Askin, Allie Askin, Fredie Cox, Anna Cox, Ora Lee Cay, C. A. Farmer, Lewis Farmer, Gracie Farmer, be and they are hereby readmitted to all the rights and privileges and immunities of Cherokees by blood; Provided, that the benefits of this Act shall not accrue to them until they remove and permanently locate in the Cherokee Nation.

Passed the Senate Dec. 7, 1889.

A. H. Norwood,
Clerk of Senate.

L. B. Bell,
President of Senate.

Concurred in Dec. 7, 1889.

Wm. P. Thompson,
Clk. of Council.

W. H. Barker,
Speaker of Council.

Approved Dec. 7, 1889.

J. B. MAYES,
Principal Chief.

I, R. T. Hanks, Assistant Executive Secretary, do hereby certify that the within is a true and correct copy of the original as it appears of record in the Executive Department of the Cherokee Nation. This 28th day of November, 1892.

(Seal)

R. T. Hanks,

Asst. Exec. Secy.

Endorsed as follows:

Department of the Interior.
Commission to the Five Civilized Tribes.

F I L E D

Mar 24 1902.

Thos Bixby,
Acting Chairman.

BY COMMISSION OF MR. MULKEY: Is there any further statement that you desire to make relative to this application for the enrollment of your wife?

A No. I have others here to testify to the marriage.

Q Do you want to make any further statement relative to her enrollment? A No, I can't.

Q You submit the case to the Commission for final decision?

A Yes, r.

Lewis A. Mulkey, in behalf his wife, and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

J. P. Starks Assistant Executive Secretary
do hereby certify that the within is a true and
correct copy of the original as it appears of
record in the Executive Department of the
Charlotte Nation this 18th day of November 1899.

J. P. Starks

Wm. E. Lee Secy

24

L R L Hawk, Assistant Executive Secretary
do hereby certify that the within is a true and
correct copy of the original as it appears of
record in the Executive Department of the
Cherokee Nation

This 28th day of November 1892.

R L Hawk

Asst Exec Secy

RECORDED
24 1892

An act to readmit Lewis A. Mulkey and
family to Citizenship

Be it enacted by the National Council

That Lewis A. Mulkey,
age 55. Lucinda Askin nee Mulkey, age 31.
Angia Kay Mulkey, age 28, Belle Farmer,
nee Mulkey, Julia Mulkey, age 17, James
Mulkey, age 12, Vida Mulkey, age 8.
Jack Ross Mulkey age 4. Lucrecia Askin.
Alice Askin, Fredie Co., Anna Co.,
Ora Lee Co., C. F. Farmer, Lewis Farmer,
Gracie Farmer, be and they are hereby
readmitted to all the rights and privileges
and immunities of Cherokee by blood,
Provided, That the benefits of this act
shall not accrue to them until they
remove and permanently locate in the
Cherokee Nation

Passed the Senate Dec. 7. 1889

A. H. Norwood

L. B. Bell

Clerk of Senate

President of Senate

Concurred in Dec 7 1889

Wm P Thompson

W H Barker

Clerk of Council

Speaker of Council

Approved Dec 7 1889

J B Moyses

Principal Chief

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 19, 1903.

In the matter of the application of ADELINE MULKEY, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

ADELINE MULKEY, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q State your name ? A Adeline Mulkey.
Q How old are you ? A I am sixty three.
Q What is your post office address ? A Bennett.
Q You are a white woman, are you ? A No sir, I am a Choctaw.
Q Are you claiming citizenship by intermarriage ?
A Yes sir.
Q Have you ever applied to be enrolled as a Choctaw ?
A No sir.
Q You are not claiming any citizenship in the Choctaw Nation ?
A No sir, not at all.
Q What was the name of the husband through whom you claim your citizenship ? A Lewis A. Mulkey.
Q Is he dead ? A No sir.
Q Is he a Cherokee by blood ? A Yes sir.
Q When were you married to him ? A In 1857, its been forty six years.
Q You were married back in the States were you
A Yes sir, in Texas.
Q Was Lewis Mulkey your first husband ? A Yes sir.
Q Were you his first wife ? A Yes sir.
Q Have you been living together ever since you were married ?
A Yes sir.
Q Never have been separated during all that time ? A No sir.
Q When did your husband come to the Cherokee Nation ?
A I don't remember, why he was born and raised in the Cherokee Nation here, and went to Texas and married.
Q How long was he in Texas ? A He was there just a year before we was married.
Q Did you come right back to the Nation ? A Yes sir, I don't remember just what year. We have been here fifteen years the first day of June.
Q Where have you been living since you were married ?
A Lived in Texas a while and then come to this country.
Q When did you come to this country ? A I don't remember.
Q Was your husband admitted ? A Yes sir.
Q When, in 1886 ? A Yes sir.
Q Have you and your husband been living in the Cherokee Nation ever since that time ? A Yes sir.
Q All the time ? A Yes sir.
Q Were you living together on the first day of last September ?
A Yes sir.
Q Your children are all grown up are they ? A Yes sir all grown.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 21, 1903.

E. C. Bagwell
Samuel Foreman
Notary Public.

01237

Comments:

10-1-1966

Enrollment Clerk.

Cherokee D-1237.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 5, 1907.

In the matter of the application for the enrollment of Adeline Mulkey for enrollment as a citizen by intermarriage of the Cherokee Nation.

Adeline Mulkey being first duly sworn by John E. Tidwell, a Notary Public for the Western District, Indian Territory, testified as follows:

By the Commissioner:

Q What is your name? A Adeline Mulkey.

Q What is your age? A Sixty-seven.

Q What is your postoffice address? A Fawn, I. T.

Q Is that in the Cherokee nation? A Yes sir.

Q You claim to be a citizen by intermarriage, do you?

A Yes sir.

Q Through whom do you claim that right? A My husband, L. A Mulkey.

Q Is your husband living? A Yes sir.

Q Are you and he living together at the present time?

A Yes sir.

Q Has he been enrolled as a citizen of the Cherokee nation?

A Yes sir.

Q When were you and your present husband married?

A Fifty years ago. the 25th of May coming.

Q Do you remember what year that was? A No I don't; they have got a marriage record here. The marriage license is here.

Q You were married under the laws of Texas? A Yes sir.

Q What was the citizenship of your husband at that time? Was he a citizen of Texas or a citizen of the Cherokee nation? A Cherokee nation.

Q Where was your husband born? A Georgia.

Q How long did he live there? A I don't know what his age was when he left Georgia.

Q When he left Georgia where did he move to? A I don't know whereabouts he did move to. He come to the nation here at Tahlequah I guess when he moved from Georgia.

Q How old is your husband at the present time? A He is 77 I believe next June.

Q Did he come to the Cherokee Nation when all the Cherokees moved here from the old Cherokee nation? A Yes, he come from Georgia.

Q How long did he live in the Cherokee nation after he moved there?

A I can't tell you. I never heard him say how long.

Q When did he move to Texas? A I don't remember what year.

Q How long had he been living in Texas when you and he married? A Two years.

Q How long did you continue to live there after you were married? A Lived there about 30 years after we was married.

Q When did you move from Texas to the Cherokee nation?

A We moved here on the 1st day of June, its been 18 years next June.

Q Do you remember the date?--the year? A No, I don't. I have got no learning and therefore I don't know.

Q What was your citizenship at the time you and Mr. Mulkey was married? Were you a citizen of the United States?

A No, I was a Choctaw.

Q Were you a citizen of the Choctaw nation when you and Mr. Mulkey were married? A Yes, Choctaw by blood.

Q How long had you been living in Texas when you and he married? A I was born and raised in Texas and I got acquainted with him about two years.

Q Have you ever been recognized as a citizen of the Choctaw nation? A Not here I have not.

Q Did you ever make application for enrollment as a citizen of the Choctaw Nation? A No sir.

Q Did you ever live in the present Choctaw Nation? A No sir.

Q Did you ever live in the old Choctaw nation before they moves west? A No sir.

Q Did your parents? A My father came from Alabama to Texas and we was all born and raised in Texas.

Q When your husband moved to the Cherokee nation 18 years ago was he readmitted to citizenship then? A Yes sir.

Q Under what authority was he readmitted? Was it by the council or citizenship commission? A By the council.

Q Do you know the date of his admission? A No, I don't it is on the roll.

Q Have you a copy of the act admitting him to citizenship in the Cherokee nation? A Yes, it is here somewhere; I havn't got it.

Q Do you know anything about the years Mrs. Mulkey?

A No, I don't

Q You don't know whether you and your husband moved to the Cherokee nation prior to 1875 or not, do you? A No, I don't remember what year.

Q But you think it was 18 years ago? A Yes, the first day of the coming June will be 18 years.

Q After you moved to the Cherokee nation were you again married under the Cherokee laws in accordance with their customs?

A No, I was not.

Q You and your husband have lived together continuously since your marriage, have you? A Yes sir.

Q Had either you or your husband been married prior to your marriage 50 years ago? A No sir.

Q You have resided continuously in the Cherokee Nation since you moved here 18 years ago have you? A Yes sir.

The applicant is identified on the Cherokee Census Roll, Canadian District, opposite No. 197, as an intermarried white.

Q Have you and Mr. Mulkey any children? A Yes sir.

Q How many? A Ten. Seven living.

L. A. Mulkey, husband of the applicant is identified on an approved partial roll of Cherokees by blood of the Cherokee Nation opposite No. 4669.

In connection with this case see case of J. D. Mulkey in which evidently there has been filed copy of the certificate of admission of the said L. A. Mulkey and family by the Cherokee authorities.

William R. Mulkey being first duly sworn as a witness in the above entitled cause, by Frances R. Lane, a Notary Public for the Western District Indian Territory, testified as follows:

By the Commissioner:

Q What is your name? A William R. Mulkey

Q What is your age? A Sixty-nine years.

Q What is your postoffice address? A Romona, I. T.

Q What is your citizenship? A Citizen of the Cherokee nation by blood.

Q Have you been enrolled? A Yes sir.

Q Received your allotment? A Yes sir.

Q Are you acquainted with the applicant in this case, Adeline Mulkey? A Yes sir.

Q How long have you known her? A I have known her fifty years.

Q Are you acquainted with her husband L. A. Mulkey? A Yes, he is my brother.

Q When were the applicant and your brother married? A don't remember.

Q Did you become acquainted with the applicant before her marriage to your brother, or after?

A After. I was in this country in the Cherokee nation when he married her.

Q Where was your brother living at the time he married the applicant? A He was living in Texas, San Saba County, Tex.

Q How long did he continue to live there after his marriage to the applicant? A I can't tell that; I don't know.

Q Do you know when he moved from Texas to the Cherokee Nation? A I don't know the year, about 18 or 19 years ago.

Q Did your brother and the applicant live together continuously since they were married in Texas up to the present time?

A Yes sir.

Q And since they moved to the Cherokee nation they have continuously resided there? A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the above and foregoing is an accurate transcript of her stenographic notes.

Frances R. Lane

Subscribed and sworn to before me this 7th day of January, 1907.

Edward Merriam
Notary Public.

F.R.

Cherokee D-127.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Adeline Mulkey as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, September 24, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Adeline Mulkey as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902, at Vinita, Indian Territory, February 19, 1903, and at Muskogee, Indian Territory, January 5, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Adeline Mulkey, who is identified on the Cherokee Census Roll of 1896, Canadian District, Page 90, No. 197, as an adopted white neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such rights as she may have acquired by virtue of her marriage to her husband, Lewis A. Mulkey, who is identified on the Cherokee Census Roll of 1896, Canadian District, No. 1443, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 4669.

The applicant claims to be possessed of Choctaw blood, but it does not appear from the records of this office that she has ever been enrolled as a citizen of the Choctaw Nation or made any formal application for such enrollment.

It further appears that the said Lewis A. Mulkey and Adeline Mulkey were first married in the State of Texas, May 21, 1857; that they removed to the Cherokee Nation in 1888, and thereafter, on December 7, 1889, the said Lewis A. Mulkey was readmitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof.

Neither the applicant nor her husband, Lewis A. Mulkey, can be identified on the Cherokee authenticated Tribal Roll of 1880.

(2)

In view of the foregoing, it is considered that the applicant did not marry a recognized citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Adeline Mulkey, is not entitled under the provisions of Section 21 of the Act of Congress approved June 28, 1896 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.



Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 27 1907.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Jac.
J. C. A.*

In the matter of the application for the enrollment of
Adeline Mulkey as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N .

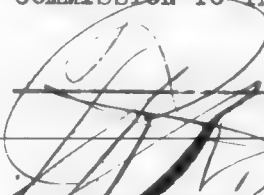
The record in this case shows that on September 24, 1901, Lewis A. Mulkey appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment, among others, of his wife, Adeline Mulkey, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Adeline Mulkey was lawfully married, on May 21, 1857, to Lewis A. Mulkey, who was readmitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on December 7, 1889. The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. The said Adeline Mulkey is duly identified upon the 1896 census roll of the Cherokee Nation.


The evidence further shows that the said Adeline Mulkey has lived with her husband in the Cherokee Nation ever since his admission to citizenship up to and including the date of this application.

It is, therefore, the opinion of this Commission that Adeline Mulkey should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

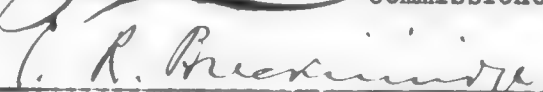
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,
this _____

28.

01237.


files in our possession.

Yours truly,

-3-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 24 1901



ACTING CHAIRMAN

Very truly yours,

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 16, 1901.

The Commission to the
Five Civilized Tribes,
Vinita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant enclosing a memorandum of the application of Louis A. Mulkey for the enrollment of his wife, Adeline Mulkey as a citizen by intermarriage of the Cherokee Nation and that the applicant has been listed for enrollment on Cherokee roll card field, No. D. 1237. Forwarded with such memorandum is an original and three copies of the testimony of Louis A. Mulkey at the time of such application.

This information was transmitted to the Choctaw-Chickasaw Enrollment Division for the reason that the testimony develops the fact that Adeline Mulkey is a Choctaw Indian.

You are informed that from a careful search of the records of the Choctaw-Chickasaw Enrollment Division it does not appear that any person by this name has ever been listed for enrollment by this Commission as a citizen of the Choctaw Nation, nor does her name appear on any of the tribal rolls of the Choctaw Na-

-2-

tion in our possession.

Yours truly,

A handwritten signature, possibly "J. Edgar Hoover", written in dark ink. The signature is stylized with a prominent initial and a long, sweeping underline.

Acting Chairman.

E

10/22/7

MAH 3 102

THE QUARTERS

COMMISSIONERS

HENRY L. DAWES.
JAMES BIXBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1237

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

March 3,

1902.

Mr. Lewis A. Mulkey,

Bennett, Indian Territory,

Sir:-

You are hereby notified that the application of

Adeline Mulkey

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application., **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of act admitting you to Cherokee citizenship.

Register.

Yours truly,

Acting Chairman.
Commissioner in Charge.

MMI - 1000
HENRY L. DAWES
JAMES HUNTER
THOMAS H. NELSON
R. H. H. H. H. H.

ALFRED L. AUSTIN
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1235

Muskogee, Indian Territory, October 10th, 1900.

Fred D. McEnery,

Stilwell, Indian Territory.

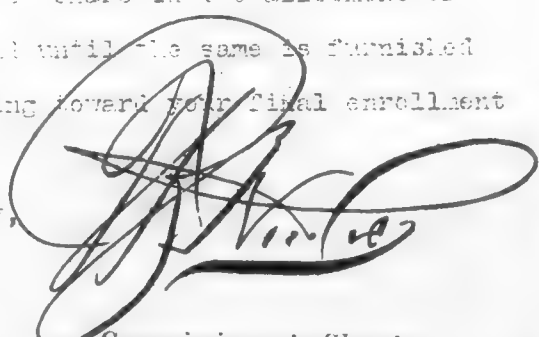
Dear Sir:-

The Act of Congress, approved July 1, 1900, and entitled "An Act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 11, 1900, inclusive, for the purpose of receiving applications to show that you have not, between the date of the original application for your enrollment and Sept. 1, 1900, forfeited your right as a citizen of either tribe of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,



Commissioner in Charge.
~~Acting Chairman.~~

Cherokee D 1237

Vinita, Indian Territory, January 26, 1903.

Adaline Mulkey,

Bennett, Indian Territory.

Dear Madam:

You are hereby notified that before your application for enrolment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary that you appear before the Commission and give further testimony as to your right to enrolment on September 1, 1902.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 19, 1903.

When you appear, please present this letter.

Respectfully,

Acting Chairman.

GRS

Cherokee D-1237

Muskogee, Indian Territory, February 4, 1903.

Adaline Mulkey,

Purcell, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of January 31, asking if affidavits would be accepted as evidence showing your right to enrollment on September 1, 1902, as a citizen by intermarriage of the Cherokee Nation.

In reply you are advised that affidavits will not be accepted as evidence in applications for enrollment.

You are further advised that until the testimony called for in the Commission's recent notice is introduced, your application for enrollment will not be complete.

Respectfully,

Acting Chairman.

GRS

Cherokee D-1237.

Vinita, Indian Territory, April 3, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I have the honor to report that the record in the matter of the application of Adeline Mulkey, Cherokee D-1237, is now deemed complete and the same is herewith transmitted for the consideration of the Commission.

Respectfully,

Clerk in Charge.

Enc. C-174.
JOC.

Cherokee
D1237

Muskogee, Indian Territory, December 28, 1906.

Adeline Mulkey,

Bennett, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

J.M.H.

Acting Commissioner.

2

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Adeline Mulkey, as an intermarried citizen of the Cherokee Nation, together with the decision of the Commissioner, dated February 27, 1907, denying said application.

Respectfully,

SIG
Commissioner.

Encl.C-10
LMC

Through the Commissioner
of Indian Affairs.

Cherokee
D 1237.

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of Adeline Mulkey, as an intermarried citizen of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.C-12
LMC

Cherokee D
1237.

COPY

Muskogee, Indian Territory, February 27, 1907.

Adeline Mulkey,

Bennett, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting your application for enrollment as an intermarried citizen of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Wams B. S.*
Commissioner.

Encl.C-8.
LMC

Register.

I.C.24720-1907.

Land
References in body
of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 2, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith several reports of Commissioner Bixby forwarding the records of proceedings in the matter of the applications for the enrollment of the following persons:

21824-1907: George, Lillia E., Emily C., George A.,
Mary L., Florence, Lula B., James M., Alice I.,
Joseph T., Simon P., Paul E., Sarah E., Laura E.,
and William T. Teague, as citizens by blood of
the Cherokee Nation.

21825-1907: Adeline Mulkey, as an intermarried citizen of
the Cherokee Nation.

21826-1907: Hellen M. Ridge, as an intermarried citizen of
the Cherokee Nation.

In each of the above cases the decision of the Commissioner was adverse to the applicants.

The Office has examined the decisions of the Commissioner, and found them to be correct, and their approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KRM-LS.

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLE

I.T.D. 2004-1907.

March 9, 1907.

LRS

Commissioner of Indian Affairs.

Sir:

There are returned herewith the records in the three Cherokee citizenship cases received with your office letter of March 4, 1907 (Land 21824, etc.).

Your office recommended that the decisions of the Commissioner to the Five Civilized Tribes, adverse to the claimants, be concurred in.

The Department is without authority to enroll the applicants, even if the decisions of the Commissioner to the Five Civilized Tribes were erroneous. However, the evidence in each case has been examined and the decisions of the Commissioner are found to be correct.

Respectfully,

JESSE E. WILSON,

Assistant Secretary.

7 inclosures.

Muskogee, Indian Territory, May 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

The records in the possession of this office fail to show that any decisions have been rendered or action taken by the Department in the following cases in which the Commissioner rendered decisions adverse to the applicants and forwarded the records therein to the Department on the dates indicated, the date of the letter of transmittal being the same as the date of the decision:

Number.	Style of Case.	Date of Transmittal.
3908	Martha J. Fields, Applicant by Intermarriage	February 27, 1907.
4731	Christopher C. Lowther, Applicant by Intermarriage	February 28, 1907.
7082	John W. Bannon, Applicant by Intermarriage	February 26, 1907.
7523	Elias H. Jenkins, Applicant by Intermarriage	February 26, 1907.
D 1237	Adeline Mulkey, Applicant by Intermarriage	February 27, 1907.

Hon. Secretary of the Interior-2

Number.	Style of Case.	Date of transmittal.
D 2589 et al	Permelia Watson et al., Applicants by Blood.	February 28, 1907.
D 2825	Hellen M. Ridge, Applicant by Intermarriage	February 26, 1907.
N B 3513	Katie Johnson, Applicant by Blood	February 28, 1907.
MM 6 et al.	John W. Vaughn et al., Applicants by Blood	February 26, 1907.
MM 66	Susie Rogers, Applicant by Blood	February 28, 1907.
MM 80	George Teague et al., Applicants by Blood	February 23, 1907.
MM 106	D. C. Bays, Applicant by Blood	February 28, 1907.
MM 153	Nancy M. Osburn et al., Applicants by Blood	February 27, 1907.
MM 169	Ada E. White, Applicant by Blood	February 26, 1907.
MM 172	Benjamin F. Welch et al., Applicants by Blood	February 28, 1907.
MM 21	Alexander Keys, Applicant as Freedman	February 28, 1907.
MM 47	Laura Washington, Applicant as Freedman	February 28, 1907.
F R 339 et al.	Katie Vann et al., Applicants as Freedmen	February 28, 1907.
F B 985 et al.	Thaddeus Hill et al., Applicants as Freedmen	March 22, 1904 (Decision dated March 5, 1904)
F B B 245	Joe Vann, Applicant as Freedman	February 27, 1907

Hon. Secretary of the Interior-3.

On February 28, 1907, the Commissioner recommended to the Department that the case of Louisa Mayfield, an applicant for enrollment as a Cherokee Freedman be passed upon at the same time the case of her alleged father, Thomas Mayfield, through whom she claims her right to enrollment, was passed upon. The application for the enrollment of said Thomas Mayfield was included in the consolidated Cherokee freedmen case of Thomas Mayfield et al., in which case the Commissioner decided adverse to the applicants on February 12, 1907, his decision being forwarded to the Department on that date, and the same was approved by the Department on March 2, 1907 (I. T. D. 5980-1907). This office has not been advised of any action taken by the Department in the case of said Louisa Mayfield.

On February 28, 1907, the Commissioner transmitted a motion to reopen and reconsider the Cherokee enrollment case of Polly Johnson et al., and recommended that the same be denied. February 11, 1902 (I.T.D. 940-1902), the Department rejected the application of Polly Johnson et al., in accordance with the provisions of the Act of Congress of May 31, 1900 (31 Stats., 221). This office has not been advised of any action taken by the Department on said motion.

Hon. Secretary of the Interior-4.

It is respectfully requested that this office be advised, in order that its records may be complete, of the action taken by the Department on the above cases.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

S W.

I.T.
50548-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

GAN

June 7, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee,
Indian Territory.

Sir:

The Office has received your letter of May 22, 1907, in which you say that the records in the possession of your office fail to show that any decisions have been rendered or action taken by the Department in cases enumerated by you, in which decisions had been rendered adverse to the applicants by you and forwarded to the Department on certain dates set out in your letter.

The Departmental letters covering all the matters mentioned by you are enclosed.

On March 4, 1907, the Office forwarded to the Secretary of the Interior papers transmitted by you relative to the enrollment of Louisa Mayfield as a Cherokee freedman, suggesting that her case be disposed of in connection with the case of Thomas Mayfield, et al., which was then pending in the Department, but apparently the only action taken by the Department is indicated by its letter of March 8, 1907, returning

- 2 -

the papers concerning Louisa Mayfield to be filed with the papers in the Thomas Mayfield case. In other words, no final action was taken on the case of Louisa Mayfield.

It is hoped that the enclosures accompanying this letter will enable you to straighten up the records of your office concerning the cases about which you inquire.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

KRM-Y.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

Cherokee D 1235

Muskogee, Ind. Ter., June 27, 1902.

Mr. Fred D. McEnery,
Stilwell, Ind. Ter.

Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of this case, that you furnish this Commission with a certified copy of decree of divorce from your wife, Katie McEnery.

It is also necessary that you submit testimony showing that you were married to Katie McEnery in accordance with the laws of the Cherokee Nation.

This evidence must be submitted to this Commission on or before July 12, 1902.

Yours truly,

Register.

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 1237.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of Adeline Mulkey, as an intermarried citizen of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

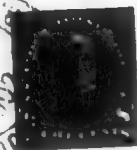
Respectfully,

Commissioner.

Encl.C-12
LMC



Unclaimed



Department of the Interior

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

9227

Fred S. McEnery

~~*St. Louis*~~

J. S.



11235

Returned to writer

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

BUSINESS.

Postage and fee, \$3.00.



~~Fred D. McEnery,~~

Stillwell,

Message

Indian Territory.

Cher D 1238

Cher D 1238

Cher. by Intermarriage:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 9th, 1901.

In the matter of the application of Dallas Emmons for enrollment as a Cherokee citizen by intermarriage; said Emmons being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Dallas Emmons.
Q What is your age? A 57.
Q What is your post office address? A Chatopa, it has been.
Q Is that your post office address at present? A My present post office address is Memphis, Tennessee.
Q You apply for enrollment as a Cherokee citizen? A I have been enrolled.
Q By the Dawes Commission? A No, sir, previous to that.
Q Well, you apply now to be enrolled by this Commission as a Cherokee citizen? A Yes, sir.
Q Have you ever been recognized as a Cherokee citizen by the Cherokee authorities? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Yes, sir.
Q What rolls? A '80.
Q Who do you desire to enroll besides yourself? A No one, my children is all grown.

1880 Authenticated roll of Cherokee citizens examined and applicant's name found thereon, page 251, #883, Dallas Emmons, Delaware district, adopted white.

1896 census roll of Cherokee citizens examined and name of applicant not found thereon.

- Q Are you married? A Yes, sir.
Q What is your wife's name? A Hannah E.
Q Is she a citizen? A She is not now, she is a citizen of the Wyandottes.
Q Is she living? A Yes, sir.
Q Was she your wife ~~xxx~~ when you enrolled in 1880? A No, sir, her name is Dora Fish.
Q Is she living? A No, sir.
Q Since that you have been married? A Yes, sir.
Q Was your former wife living when you married? A No, sir, she is dead.
Q Where are you residing now? A I am residing in Memphis.
Q How long have you lived in the Cherokee Nation? A I resided in the Cherokee Nation since 1880 until '98.
Q Is your present wife a Cherokee citizen? A No, sir, she is a Wyandotte; she has a place adjoining Isaac Zanes right close to Shawnee.
Q Since 1885 you have not been a resident of the Cherokee Nation? A Well, not all the time, I have been back and forth.
Q You haven't had your family here? A No, sir.
Q Did you live all the time from 1880 until 1898 in the Cherokee Nation? A Yes, sir, the bigger part of the time.
Q Well, what part of the time? A Well, I was up there on a place for three or four years and went up to Kansas City, Kansas, and stayed a couple of years I guess and came back and since then I have been railroading and took my family away.

MR. HASTINGS, Cherokee Representative:

- Q Where were you living in 1880? A I was living close to Russell place.
Q On a farm? A Yes, sir.
Q Now, after 1880, how long did you live there? A I lived there for, I think it was four years.
Q About '84? A Yes, sir.
Q And then where did you go? A I left and went up in Kansas and

Dallas Emmons.--2.

was up there.

Q When did your wife die that you were living with in 1880?

A My wife died in '79.

Q Died before 1880? A Yes, sir.

Q You left in 1884 and went to Kansas? A Hold on a minute; I came to Chetopa and took up that place in '70, instead of '80, I was there from '70.

Q I am talking about the year of 1880, I am not particular about before that time; you left there about 1884? A Yes, sir.

Q And you went to Kansas? A Yes, sir, I was on the railroad and I followed the railroad, took me away.

Q You haven't lived in the Cherokee Nation to make your home since '84, A No, sir, not permanently.

Q Where is your wife? A My wife now is in Memphis, but she has got a place there in Shawnee.

Q How long have you been living there with her? A I have been living there with her for the last six years.

Q Has that been her post office address? A Yes, sir, that has been her post office address for the last six years.

Q It has been yours? A Yes, sir.

Q Where did you marry at? A I married her in Wyandotte, Kansas.

Q What year? A In the year '81, I think, 20 years ago.

Q How long had you known her prior to that time? A Well, she was a first cousin of my first wife and I had known her before I was married the first time.

Q In '84 you went back up to Kansas? A Yes, sir.

Q And from there you drifted around, to Tennessee? A Yes, sir, right on a railroad.

Q Did your present wife ever live here with you on a farm? A No, sir.

Q Then you have not lived here since '81? A I haven't lived here from '81; that is to say lived here.

Q Your wife claims to be part Wyandotte? A Yes, sir.

COM'R NEEDLES: Dallas Emmons applies for the enrollment of himself. He is duly identified upon the authenticated roll of 1880 as an intermarried white. He cannot be identified upon the census roll of 1896 or any other one in the possession of the Commission. He avers that his first wife by whom he claims citizenship died in 1879. He afterwards, about 1881, married Hannah.

A What is her maiden name? A Zane.

Zane, whom he claims to be a Wyandotte. He avers that he has not been a permanent resident of the Cherokee Nation since about the year 1880. By reason of the fact of the testimony as to his residence and also the fact as to his intermarriage, the authorities of the Cherokee Nation claiming that intermarriage with any other than Cherokee citizens by blood forfeit the right of citizenship, final judgment as to the enrollment of said Dallas Emmons will now be suspended and his name will be placed upon a doubtful card awaiting the further consideration of the Commission.

When the decision of the Commission is arrived at you will be notified at your post office address.

---00000000---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 9th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 10th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Dallas Emmons for enrollment as a Cherokee citizen by blood, Cherokee case D. 31238.

Appearances:

Messrs Hastings and Brough for the Cherokee Nation.
Applicant present in person.

DALLAS' EMMONS being first duly sworn by Commissioner T. R. Nathan, testified as follows on his own behalf:

Q What is your name? A Dallas Emmons.

Q Are you the Dallas Emmons who applied on yesterday for enrollment as a Cherokee citizen by blood? A Yes sir.

Q I understand that you now desire to make some further statement in support of your application? A Yes sir.

Q Well just state what it is you desire to say. A In the first place you have me down here as a white man -- inter-married; the fact of the matter is that was adopted as a Shawnee Indian into the tribe previous to coming to this country in 1868 or '9 I can't say which it was now. I was adopted into the Shawnee tribe of Indians.

Q Have you any proof of that fact? A Yes sir, I have the papers in the case, signed by the Chief, assistant Chief and by the Clerk of the Council; Charles Bluejacket was the Chief and the Clerk of the Council was Cyrus Commatzer's father.

Q Have you those papers with you? A No sir not now.

It is desired that you supply them or certified copies.

Q Anything more that you want to state? A I took up a claim in 1870 and improved it and Abe Mills has taken care of it ever since for me; it is on Russell Creek.

Q In the Cherokee Nation? A Yes sir.

Q How many acres? A I took in, I suppose a hundred acres.

Q You hold a title to that now do you? A Yes sir I have got it and he has kept it for me ever since.

Q Have you received any rents or profits from it? A I have once, I never had a settlement with him only once about six years ago and he stated that he had put all the rents in the place and had taken in more land, and I was perfectly willing for him to do that for at that time I had three children and was entitled to more land.

Q What is your business? A I follow railroading, I have all the time; I gave up a position to come here in 1870 and take my claim.

Q Are you an engineer? A No sir, I am in the Bridge Department.

(By Mr. Hastings)

Q You never have received any rents from that land within the last six years? A No sir.

Q In fact you have never received any rents at all except in the way of land and improvements? A Yes sir, I received money once.

Q How much? A Eighty odd dollars.

Q You have never called on him since for rents? A No sir, because in his writings he has always said that he was putting the rents in the land.

Q When was the last time that you saw the place? A Six years ago.

Q Did you see it then? A Yes sir.

Q From 1870 until six years ago you had never received any rents had you? A No sir.

Q And since that time you have not? A No sir.

Q What direction from Russell Creek is that place? A On the right hand side of the rail road.

Q On the east or west side? A On the west I guess it is, it is on the right hand side going to Chetoma.

Q That is on the east side. A Well I have not paid any attention to that.

Q You are a white man? A Yes sir.

Q You married a Shawnee? A Yes sir.
Q That is when you were adopted? A Yes sir.
Q Your Shawnee wife died and then you married a white woman? A No sir.
I married a Wyandott.
Q Well, she didn't claim any Cherokee right? A No sir.
(By the Commission)
Your purpose in having this place improved was for the benefit of
your children? A Yes sir, then I had three and now they have all died.
Q All of them? A One is still living, Theodore.

This testimony will be filed in your case.

Chas. von Weibe, being first duly sworn states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cause and that the foregoing is a
full, true and correct transcript of his stenographic notes therein

Chas von Weibe

Subscribed and sworn to before me this the 16th of October, 1901.



Commissioner.

Supl.-C.D.#1238.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of DALLIS REMONS
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 22d day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case. The applicant has this day, to-wit: the 22s day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

---ooo00Qooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dallas Emmons as a citizen by Shawnee adoption of the Cherokee Nation:

DECISION.

The record in this case shows that on October 9, 1901, Dallas Emmons appeared before the Commission at Vinita, Indian Territory, and made personal application for his enrollment as a citizen by Shawnee adoption of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 10, 1901.

The evidence shows that the said Dallas Emmons was lawfully married to Eudora A. Fish, a Shawnee by blood, on May 2, 1868; that they lived together as husband and wife until the death of said wife, in 1879; that the said Dallas Emmons is duly identified upon the 1871 roll of adopted Shawnees and, also, upon the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that in 1881 the said Dallas Emmons was lawfully married to one Hannah Zane, a Wyandotte, and that since that time they have lived together continuously as husband and wife.



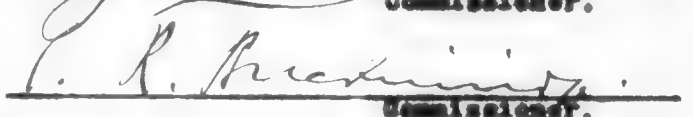
The evidence further shows that the said Dallas Emmons lived in the Cherokee Nation from 1870 until 1881, when he removed from said nation; that he has not resided in the Indian Territory since 1881; that he was not residing in said territory on June 28, 1898, nor at the date of this application.

Paragraph 9, Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 498) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Dallas Emmons for his enrollment as a citizen by Shawnee adoption of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this Jul 16 1902

288

COMMISSIONER
HENRY L. DAWSON
TAMM HOUSE
THE MAY BURNETT
R. H. C. BURNETT

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1238.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 16, 1902.

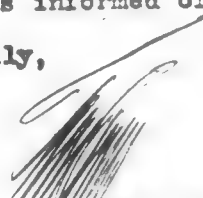
W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Dallas Emmons for the enrollment of himself as a citizen by Shawnee adoption of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Inc. H-65.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS H. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED IN KILLIY T. THE C. B. W. N.

Cherokee D 1238.

Muskogee, Indian Territory, September 3, 1902.


W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Dallas Emmons for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,


Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Dallas Evans

- A Original testimony Oct 9, 1901
- B Memo of application Oct 9, 1901
- C Supplementary testimony Oct 10, 1901
- D Notice of final consideration 3/27/02

D-1238

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ACTING CHAIRMAN

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10

CHEROKEE DOUBTFUL

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 10th 1901.

In the matter of the application of Elizabeth Haff for the enrollment of herself as a Cherokee citizen by inter-marriage. She having been first duly sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Elizabeth Haff.
Q What is your age? A 47.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q You apply as to be enrolled as a Cherokee citizen? A Yes sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Yes sir as mother and guardian of my children.
Q Have you ever been recognized as a citizen yourself? A Yes sir, I have the papers here.
Q You apply to be enrolled as an inter-married citizen? A Yes sir.
Q What was your husband's name? A Joseph Haff
Q Is he living? A No sir.
Q Was he a Cherokee citizen? A Yes sir, Delaware blood, Cherokee citizen.
Q When were you married to Joseph Haff? A It has been 20 years ago.
Q Have you any proof of your marriage? A Yes sir I have a certificate at home.
Q When did he die? A 11 years ago, the 7th of November.
Q You lived with him continuously until his death? A Yes sir.
Q Did you have any children by him? A Yes sir, two.
Q What are their names? A Sarah E. and Josephine.
Q They have been listed already? A Yes sir.
Q Did you marry again after his death? A Yes sir.
Q Who? A Perry Richardson.
Q Is he a Cherokee citizen? A No sir a white man.
Q Is he living? A Yes sir.
Q Are you and he living together now? A No sir.
Q You are divorced from him? A Yes sir.

Applicant presents certified copy of divorce, certifying that she was divorced from him her husband Perry Richardson by the United States Court on the 27th of May 1901.

- Q When you were divorced, you resumed the name of Haff? A Yes sir.
Q Have you married since? A No sir.
Q How long have you lived in the Cherokee Nation? A I have been here 22 years.
Q Living here now? A Yes sir.
Q Never have been out since you came? A No sir.
Q You have ~~never~~ lived continuously with your first husband Haff until his death? A Yes sir.
(By J. L. Baugh, Cherokee attorney)
Q How long did you live with your second husband? A Three weeks the first time and then I tried again to live with him and lived with him that time three months, but I had him to support and I couldn't do it, I wasn't able.

The 1880 authenticated roll of the Cherokee Nation examined for the name of the applicant's first husband and his name is found thereon as follows: page 367 No. 12118 1861, Joseph Haff, Delaware District.

Applicants name not found on any of the rolls of the Cherokee Nation now in the possession of this Commission.

- Q Your name has never been on any rolls? A No sir only as I drewed the children's Delaware money

By Com'r Needles,-

Elizabeth Haff applies for the enrollment of herself as an inter-married Cherokee citizen; she avers that she was married to one Joseph Haff about twenty years ago and the name of Joseph Haff is duly identified upon the 1880 authenticated roll according to the page and number of the roll as indicated in the testimony as a Cherokee citizen of Delaware blood. It is averred that he is now deceased. Applicant avers that since the death of the said Haff about eleven years ago she married one Perry Richardson, a white man, from whom she has been divorced. She makes no satisfactory proof of her marriage to the said Haff, but avers and makes satisfactory proof of her divorce from her last husband Perry Richardson, and that she has resumed the name of Haff. By reason of the provision of the Cherokee law in regard to inter-marriages, Section 666 of the Cherokee Statute, and the final judgment of the Commission will be suspended and she will be placed on a doubtful card. It will be necessary for her to file her marriage certificate or make proof of her marriage to her first husband Haff in support of her application.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chawouwey

Subscribed and sworn to before me this 10th of October, 1901.

[Signature]
Commissioner.

D 1239

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES
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C. D-1239.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of ELIZABETH HAFF for the enrollment of herself and a citizen of the Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 22nd day of March, 1902. The applicant this day, to-wit, the 22nd day of March, 1902, has been called and fails to respond, either in person or by attorney.

JOHN D. MARKER, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A John D. Marker.
Q What is your age. A Seventy-six.
Q Post office address? A Vinita.
Q Were you acquainted with the applicant in this case, Elizabeth Haff? A Yes sir.
Q How long have you known her? A Since 1875.
Q Did you know her first husband, Joseph Haff?
A Yes sir, he was a brother-in-law of mine.
Q Do you know when he was married to the applicant, Elizabeth Haff?
A Yes sir.
Q Were you present at the time? A I was not.
Q How long was it after the marriage ceremony had been performed that you saw them together? A The same day.
Q From that time up until the time of his death, did they live together as man and wife? A Yes sir.
Q He was a Cherokee citizen, was he? A Delaware. Registered Delaware.
Q After his death she married one Perry Richardson? A Yes sir.
Q He is living? A Yes sir.
Q White man? A Yes sir.
Q She is divorced from him? A Yes sir, he is also married again.
Q Has she married since her divorce from Perry Richardson? A No sir.
Q Elizabeth Haff is a white woman? A Yes sir.
Q Never been recognized as a Cherokee? A No sir.

The record in this case is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Haff for enrollment as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 10, 1901, Elizabeth Haff appeared before the Commission at Vinita, Indian Territory, and made personal application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902.

The evidence shows that, on January 19, 1882, the said Elizabeth Haff, a white woman, was married to Joseph Haff, a citizen of the Cherokee Nation of Delaware blood, who is duly identified upon the 1880 authenticated roll of the Cherokee Nation; that they lived together as husband and wife until the death of her said husband, Joseph Haff, in 1890; that after the death of her said husband she was married to one Perry Richardson, a white man, and that she was divorced from said Perry Richardson on May 27, 1901, and resumed the name of Haff. She is not identified upon any of the rolls of the Cherokee Nation.

Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666, of the Compiled Laws of the Cherokee Nation (1892), is, as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application of Elizabeth Haff for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this JUL 16 1902

OK

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-1239.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

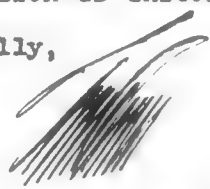
Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Elizabeth Haff for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Inc. H-21.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1239.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date July 16, 1902, denying the application of Elizabeth Haff for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 31, 1902.

Very respectfully,


Acting Chairman.

N723
IN THE MATTER OF THE APPLICATION OF

Elizabeth Waff
FOR ENROLLMENT AS

CHEROKEE CITIZENS.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1240

Cher D 1240

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ACTIVE CHAIRMAN

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Cher. by Intermarriage:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 11th, 1901.

In the matter of the application of William U. Hill for enrollment as a Cherokee citizen by intermarriage; said Hill being sworn and examined by Commissioner Needles, testified as follows:

Q what is your name? A William Hill.
Q How old are you, Mr. Hill? A 35 this month.
Q What is your post office address? A Delaware.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee citizen? A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you desire to enroll besides yourself, anyone? A No, sir.
Q Are you married? A No, sir.
Q Were you ever married? A Yes, sir.
Q Who to? A Susan Martin.
Q Is she a Cherokee citizen? A Yes, sir.
Q Is she living? A Yes, sir.
Q Have you any proof of your marriage? A Yes, sir, I have a certificate.

Com'r Needles: Applicant presents a duly authenticated marriage license and marriage certificate, issued according to the laws of the Cherokee Nation, in due form; certificate certifying that he was married to Miss Susan Martin, a citizen of the Cherokee Nation, on the 13th day of January, 1894.

Q Are you living with Susan Martin now? A No, sir.
Q Well, are you divorced from her? A Yes, sir.
Q When were you divorced? A She got the divorce two years ago, I think; about two years ago.
Q How long did you live with her? A About five years.
Q Then you abandoned her, did you? A No, sir, she left me.
Q She left you? A Yes, sir.
Q Have you married since? A No, sir.
Q Was she your first wife? A Yes, sir.
Q Were you her first husband? A Yes, sir.
Q You have never been married since you and her parted? A No, sir.
Q Did she apply for the divorce? A Yes, sir.
Q What ground did she allege? A I don't know, I don't remember.
Q You didn't appear against her at all? A No, sir.
Q Didn't defend it? A No, sir.
Q What was her father's name? A James Martin.
Q Is he living? A Yes, sir.
Q What is her mother's name? A Mandy Martin.
Q Is she living? A Yes, sir.

1880 Authenticated roll of Cherokee citizens examined and name of applicant former wife found thereon, page 136, #1758, Susan Martin, Cooweescoowee district.

BY MR. J. L. BAUGH, Cherokee Representative:

Q What did you say your post office is? A Delaware.
Q Where was you at when then enrolled here last summer?
A I was at Fort Leavenworth.
Q What were you doing at Fort Leavenworth? A I was confined in prison there.
Q How long had you been in confinement? A In October before; been in there six months.
Q That was the reason you didn't apply for enrollment because you was at Fort Leavenworth? A Yes, sir, and since I come back the Commission was at Nowata.
Q What was the cause of your separation from your wife? A Trivial

matter, jealousy.

Q Was you living here at the time she sued you for the divorce?

A Yes, sir

Q You didn't appear against her? A No, sir, I went away about that time.

COM'R NEEDLES: You went away where, penitentiary?

A Yes, sir.

Q Were you in the penitentiary when this divorce proceeding was had? A I guess I was about the time court was in session here then, but I don't know just what day it come up.

Q Now, don't you know what she alleged against you when she applied for the divorce? A I didn't see the papers.

Q I didn't ask you whether you saw the papers or not; I asked you if you didn't know? A No, sir

Q Don't you know she charged you with adultery? A (No response.)

Q And that was the reason she left you because she accused you of adultery? A It might have been.

Q You don't say it was not? (No response.)

Q She says too that you failed to support her; how is that?

Q Did you provide her with a home? A Yes, sir.

Q Whose home was it you were living on, her place?

A Place her father give her; I built a good house there and was living in the house at the time she left.

Q Did you have any children? A Had one child.

Q She has the child has she? A Yes, sir.

1896 census roll of Cherokee citizens examined and name of applicant found thereon, page 309, #522, U. William Hill, Cooweescoowee district.

Q Have you got any other name besides William? A Yes, sir; William U. it should be.

Q How long have you been living in the Cherokee Nation?

A 12 years this fall.

Q Have you lived in the Cherokee Nation since you separated from your wife and since you got back from prison? A Yes, sir.

COM'R NEEDLES: William U. Hill, applies for the enrollment of himself as an intermarried citizen. He makes satisfactory proof of marriage to one Susan Martin, a citizen of the Cherokee Nation by blood, and Susan Martin is identified upon the authenticated roll of 1880 according to the age and number of the roll as indicated in the testimony. William U. Hill is duly identified upon the census roll of 1896. Applicant makes satisfactory proof as to residence, but the testimony develops the fact that he has been divorced from his wife. The testimony taken in the matter of the application of Susan L. Barr, nee Susan Martin, wife of applicant, develops the fact that she applied for a divorce from the applicant on the ground of adultery and abandonment. Reference is made to said testimony; said wife of the applicant being listed for enrollment on regular card #4485. By reason of the fact set forth in the testimony final judgment as to the enrollment of said William U. Hill as an intermarried citizen of the Cherokee Nation will be suspended and his name will be placed upon a doubtful card awaiting further consideration of the Commission.

You will be notified, Mr. Hill, of the decision of the Commission when arrived at, and if you desire to introduce any further testimony you can do so.

W.V. Bill. --3.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

subscribed and sworn to before me this October 11th, 1901.



Commissioner.

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and several hundred of the students were killed.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, T. T. October, 15th 1901.

In the matter of the application of William Hill, who claims as a Cherokee citizen by inter-marriage, Cherokee Doubtful #1846.

SUPPLEMENTAL ORDER.

By Com'r T. B. Needles:

Comes now the Cherokee Nation through its representative, Mr. Baugh, and offers in evidence a certified copy of a decree of divorce obtained by Susan Hill, wife of applicant, against said applicant. It is hereby ordered that said certified copy be filed and made a part of the record in the above case.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 15th of October, 1901.

T. B. Needles

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 9 1902

Acting Com.

Supl.-C.D.#1240.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIAM U.
HILL as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, ~~being~~ do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

B.

C. D-240.

Department of the Interior.
Commission to the Five Civilized Tribes.
Spavinaw, I. T., April 30, 1902.

In the matter of the application of POLLY JACKSON for the enrollment of herself as a citizen of the Cherokee Nation.

EVE SNAKEWOLF, being first duly sworn, and being examined, testified as follows, through sworn interpreter Henry C. Ross:

BY COMMISSION: Give me your name? A Eve Snakewolf.
Q Who do you want to enroll? A Polly Jackson.
Q Have you been enrolled yourself? A Yes sir.
Q Where were you enrolled? A Tahlequah.
Q Is Polly Jackson any kin to you? A No sir.
Q How old is Polly Jackson? A Seventeen or eighteen.
Q Why doesn't she apply for herself? A She was here yesterday, but could not be identified somehow, she had forgotten something.
Q Where is Polly Jackson now? A At home. No way to come, she has a little child.
Q How far does she live from here? A About twenty miles.
Q This woman you call Polly Jackson, she is married to a man named Jackson Snakewolf? A Yes sir.
Q This woman you are talking about is known as Polly Snakewolf, isn't she? A Yes sir.
Q She has already been enrolled on doubtful card 1240.
A I was aware of it and thought I could get it rectified here.
Q We have not that card with us, but can you tell us what was the trouble in her case?
A Could not find her name on the rolls.
Q How was this Polly Snakewolf enrolled on 1896? A Polly Snakewolf
Q Was this girl an orphan? A Yes sir.
Q Is her husband your son? A Yes sir.
Q Is this girl a full blood Cherokee? A Yes sir.
Q Was she ever known as Susie Thirsty? A No sir.
Q Didn't she live with Tee squantnee? A Yes sir.
Q What was she called besides Polly? Wasn't she called Susie?
A They called her Betsy, and they changed her name to Polly.

ED. M. WASHBURN, being first duly sworn, and being examined, testified as follows:

Q Give me your full name? A Ed. M. Washburn.
Q Your age? A Thirtytwo.
Q What is your post office? A Euche.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you ever one of the census takers or roll makers in the Cherokee nation? A ~~Washburn~~ A Yes sir.
Q At what time? A 1893.
Q That was for the Cherokee Strip payments? A Yes sir.
Q Do you know this old woman here, Eve Snakewolf? A Yes sir.
Q Do you know a woman called Polly Snakewolf? She is now the wife of the son of this old person? A Yes sir.
Q Have you ever enrolled her? A Yes sir.
Q How long has she been married to her husband? A About three or four years.
Q What was her name before she was married? A She went by the name of Teequantnee or Thirsty. Sometimes called Betsy. That is the way I enrolled her, as Betsy Teequantnee.
Q She was enrolled then by her father's name in 1896, what was his name? A Thirsty. She has always gone by the name of Sarah or Susie before.

Q She had a great variety of names? A She got the names in the public schools.

Q She was an orphan? A Yes sir.

Q What was her father's name? A I only knew Thirsty.

Q Do you know her mother's name? A Only what Teequantnee told me, Sarah Buzzard, or something.

Q Do you know this woman is a full blood Cherokee? A Yes sir.

Q This Pelly Jackson, or Susie? or Betsey? A Yes sir, full blood Cherokee.

Q Has she lived in the Cherokee Nation all her life? A Yes sir, all her life. I have known her from childhood, all her life.

1896 census roll of citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 545, #3225, Susie Thirsty, Delaware District, age 16.

Note: Daughter of Sallie Buzzard.

BY COMMISSION: The applicant gives additional testimony in the case of Pelly Snakewolf, on Cherokee Card D-1240. This woman is clearly identified, as shown in the testimony, on the roll of 1896. She is at least several years older than the applicant seems to think though perhaps not old enough to be on the 1880 roll. She has been married some two or three years. No doubt is entertained that she is a full blood Cherokee and has lived in the Cherokee Nation all her life. This testimony will be filed with the case already taken, and is considered sufficient to list Pelly Snakewolf for enrollment as a Cherokee by blood.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 8 day of May, 1902.

M. D. Green
Notary Public.

J. L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William U. Hill for enrollment as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 11, 1901, William U. Hill appeared before the Commission at Vinita, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 15, 1901.

The evidence shows that on January 13, 1894, the said William U. Hill, a white man, was lawfully married, under a Cherokee marriage license and in compliance with the laws of the Cherokee Nation, to one Susan L. Martin, who is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee; that they lived together as husband and wife until June, 1898, when the said applicant abandoned his said wife; that the said William U. Hill is duly identified upon the 1896 census roll of the Cherokee Nation.

Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667, of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of William U. Hill as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.

[Signature]
Commissioner.

[Signature]
Commissioner.

Muskegee, Indian Territory,
this 11th 16 1901

349

COMMISSIONERS
HENRY L. DAVIS
TAMM BIXBY
THOMAS B. NEILSON
C. R. BRECKINRIDGE

ALLISON I. AYER-SWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SEE REFERENCE TO THE FOLLOWING

Cherokee D-1240.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

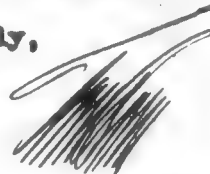
Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of William U. Hill for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Inc. H-59.

52AR

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRONKHORST

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1240.

ALLISON L. AYLESWORTH
SECRETARY

YOUR ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 3, 1902.

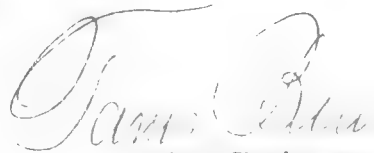
W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of William U. Hill for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,


Acting Chairman.

18-19240
FILE 39 THE APPLICATION OF

William M. Hill

C. C. Hill, testimony, Oct 11, 1901

Testimony of application, Oct 11, 1901

(Marriage certificate

B. Receipt in testimony.

C. Supplemental testimony Oct 15-01

D. Certified copy of complaints in Equity etc

E. Notice of final consideration, 3/22/02

Transferred to R-727

**COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.**

See Ser. packet No 14485

Cher D 1241

Cher D 1241

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[illegible]

1. The first name of the person is John.
 2. The last name of the person is Smith.
 3. The date of birth is 1980-01-01.
 4. The gender is Male.
 5. The address is 123 Main St, New York, NY 10001.
 6. The phone number is 212-555-1234.
 7. The email address is john.smith@example.com.
 8. The occupation is Software Engineer.
 9. The education level is Master's Degree.
 10. The marital status is Single.
 11. The number of children is 0.
 12. The number of pets is 1.
 13. The favorite color is Blue.
 14. The favorite food is Pizza.
 15. The favorite sport is Baseball.
 16. The favorite music genre is Rock.
 17. The favorite book is The Hobbit.
 18. The favorite movie is The Shawshank Redemption.
 19. The favorite TV show is Breaking Bad.
 20. The favorite travel destination is Paris, France.
 21. The favorite season is Spring.
 22. The favorite time of day is Morning.
 23. The favorite animal is Dogs.
 24. The favorite fruit is Apples.
 25. The favorite vegetable is Broccoli.
 26. The favorite drink is Coffee.
 27. The favorite weather is Sunny.
 28. The favorite month is May.
 29. The favorite day of the week is Friday.
 30. The favorite holiday is Christmas.
 31. The favorite birthday is January 1st.
 32. The favorite anniversary is May 14th.
 33. The favorite wedding date is June 1st.
 34. The favorite wedding location is New York City.
 35. The favorite wedding dress is White.
 36. The favorite wedding cake is Chocolate.
 37. The favorite wedding music is Classical.
 38. The favorite wedding flowers are Roses.
 39. The favorite wedding veil is Long.
 40. The favorite wedding shoes are High Heels.
 41. The favorite wedding jewelry is Diamonds.
 42. The favorite wedding ring is Gold.
 43. The favorite wedding band is Platinum.
 44. The favorite wedding dress style is Ball Gown.
 45. The favorite wedding dress color is White.
 46. The favorite wedding dress length is Full Length.
 47. The favorite wedding dress train is Long.
 48. The favorite wedding dress sleeves are Long.
 49. The favorite wedding dress neckline is V-Neck.
 50. The favorite wedding dress bodice is Fitted.
 51. The favorite wedding dress skirt is Full.
 52. The favorite wedding dress hemline is High.
 53. The favorite wedding dress waistline is Natural.
 54. The favorite wedding dress neckline detail is None.
 55. The favorite wedding dress bodice detail is None.
 56. The favorite wedding dress skirt detail is None.
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 133. The favorite wedding dress waistline detail is None.
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 173. The favorite wedding dress waistline detail is None.
 174. The favorite wedding dress neckline detail is

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1. The first part of the document is a list of names and their corresponding addresses. The names are listed in a column on the left, and the addresses are listed in a column on the right. The names are: John A. Smith, John B. Smith, John C. Smith, John D. Smith, John E. Smith, John F. Smith, John G. Smith, John H. Smith, John I. Smith, John J. Smith, John K. Smith, John L. Smith, John M. Smith, John N. Smith, John O. Smith, John P. Smith, John Q. Smith, John R. Smith, John S. Smith, John T. Smith, John U. Smith, John V. Smith, John W. Smith, John X. Smith, John Y. Smith, John Z. Smith. The addresses are: 123 Main St., 456 Main St., 789 Main St., 101 Main St., 202 Main St., 303 Main St., 404 Main St., 505 Main St., 606 Main St., 707 Main St., 808 Main St., 909 Main St., 1010 Main St., 1111 Main St., 1212 Main St., 1313 Main St., 1414 Main St., 1515 Main St., 1616 Main St., 1717 Main St., 1818 Main St., 1919 Main St., 2020 Main St., 2121 Main St., 2222 Main St., 2323 Main St., 2424 Main St., 2525 Main St., 2626 Main St., 2727 Main St., 2828 Main St., 2929 Main St., 3030 Main St., 3131 Main St., 3232 Main St., 3333 Main St., 3434 Main St., 3535 Main St., 3636 Main St., 3737 Main St., 3838 Main St., 3939 Main St., 4040 Main St., 4141 Main St., 4242 Main St., 4343 Main St., 4444 Main St., 4545 Main St., 4646 Main St., 4747 Main St., 4848 Main St., 4949 Main St., 5050 Main St., 5151 Main St., 5252 Main St., 5353 Main St., 5454 Main St., 5555 Main St., 5656 Main St., 5757 Main St., 5858 Main St., 5959 Main St., 6060 Main St., 6161 Main St., 6262 Main St., 6363 Main St., 6464 Main St., 6565 Main St., 6666 Main St., 6767 Main St., 6868 Main St., 6969 Main St., 7070 Main St., 7171 Main St., 7272 Main St., 7373 Main St., 7474 Main St., 7575 Main St., 7676 Main St., 7777 Main St., 7878 Main St., 7979 Main St., 8080 Main St., 8181 Main St., 8282 Main St., 8383 Main St., 8484 Main St., 8585 Main St., 8686 Main St., 8787 Main St., 8888 Main St., 8989 Main St., 9090 Main St., 9191 Main St., 9292 Main St., 9393 Main St., 9494 Main St., 9595 Main St., 9696 Main St., 9797 Main St., 9898 Main St., 9999 Main St.

To be filed with D.1241, Effie W. Hill et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 19, 1900.

In the matter of the application of Peter Blackfish for enrollment of himself, wife and children as citizens of the Cherokee Nation, said Blackfish being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Peter Blackfish.
Q How old are you? A About 52.
Q What is your postoffice address? A Miami.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A I suppose so.
Q Are you a Cherokee by blood? A No, sir, Shawnee.
Q What degree of blood do you have? A I guess pretty near fullblood.
Q Whom do you want to enroll? A Myself, wife and children.
Q What is the name of your father? A Carco.
Q Is he living? A No, sir.
Q Is your mother living? A No, sir.
Q What is the name of your wife? A Mary.
Q When did you marry her? A 32 years ago.
Q Is she an Indian by blood? A No, sir.
Q White woman? A Yes.
Q What are the names of your children? A George T., 13 years old.
On '96 roll, page 598, number 56.
Q Allie A., 9 years old.
On '96 roll, page 598, number 57, as Alicamanda.
Q Next? A Charles A., 7 years old.
On '96 roll, page 598, number 58.
Q Are these children all alive and living with you? A Yes.
Q What district do you live in? A Delaware.
Q How long have you been living in the Cherokee Nation? A About 30 years.

Applicant on '96 roll, page 598, number 54;

Applicant's wife on '96 roll, page 585, number 29.

- Q Were you put upon the roll of '80? A I don't know.
Q Where did you live 20 years ago? A I don't know, I have moved so much I don't know where I did live.
Q Were you living in the Territory or in the states? A I expect I was up on the line in Missouri. I had a job of work and stayed up there about 6 months, and I think that is about the time I was up there.
Q Did you draw your '94 strip money? A Yes.
Q What year were you married? A About '68.
Q Been living with your wife ever since? A Yes.
Q Is she living? A Yes.

By W. W. Hastings, Cherokee Attorney:

- Q You came here in '71? A No, sir, '70.
Q How much of your time have you lived out of the Cherokee Nation? A Very little.
Q About how much? A About a year or so.
Q Where have you been living for the last 20 years? A Most of the time right here in this town.

W. L. TROTT, being sworn, testified as follows:

- Q What is your name? A W. L. Trott.
Q Your age? A 56.
Q Your postoffice? A Vinita.
By W. W. Hastings, Cherokee Attorney:
Q How long have you lived at or near Vinita? A Since '72.
Q Do you know Peter Blackfish, this applicant? A Yes.
Q How long have you known him? A 20 years.

Q Has he resided in the Cherokee Nation ever since you know him?
 A I don't know of him being away. He has resided here in town a good deal of the time, but I think he is living out of the district now.
 Q Do you know his citizenship? A Nothing more than I know he is a Shawnee.
 Q Did you ever hear of his citizenship being disputed-- is there any question about it so far as you know? A No, sir.

To the applicant:

Q Did you take an allotment in the Peoria Nation? A No, sir.

ROBERT IRONSIDES, being sworn, testified as follows:

Q What is your name? A Robert Ironsides.
 Q Your age? A 56.
 Q Your postoffice? A Vinita.
 Q Do you know Peter Blackfish, this applicant? A Yes.
 Q How long have you known him? A About 35 years.
 Q How long has he been a resident of the Cherokee Nation? A I have known him ever since I came here in about '71.
 Q He has been living here since that time? A As far as I know, I have seen him very often.
 Q You see him at frequent intervals? A Yes.
 Q Has his citizenship as being a Shawnee citizen of the Cherokee Nation ever been questioned? A No, sir, not as far as I know.

The name of Peter Blackfish appears upon the census roll of '96. It is not found upon the authenticated roll of '80, but his name appears in the records of the Cherokee Nation among the list of Shawnees that were removed to and located in the Cherokee Nation under the 15th article of the Cherokee treaty with the United States proclaimed August 11, 1866, number 87 on said roll. The names of his children, George T., Allie A., and Charles A., appear upon the census roll of '96 as also the name of his wife. Satisfactory proof being made as to his citizenship, also as to his residence, and he being duly identified, the said Peter Blackfish will be listed for enrollment by this Commission as a Cherokee citizen of Shawnee blood as will his children, George T., Allie A., and Charles A., and his wife Mary will be listed for enrollment as an intermarried citizen of the Cherokee Nation.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

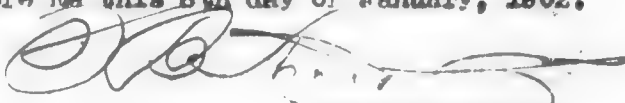
(Signed) R. McDonald.

Subscribed and sworn to before me this 22nd day of September, 1900.

(Signed) T. B. Needles,
 Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 8th day of January, 1902.

Arthur G. Croninger


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 12, 1901.

In the matter of the application of Effie M. Hill for the enrollment of herself and one child as Cherokee citizens by Shawnee blood; being sworn and examined by the Commission she testified as follows:

- Q What is your name? A Effie M. Hill.
- Q How old are you? A I will be 18 the 15th of November.
- Q What is your post-office address? A Kelsaw.
- Q You apply for enrollment as a Cherokee by blood? A Yes sir.
- Q You apply for anyone besides yourself? A My child.
- Q What is your child's name? A Clara Eveline.
- Q How old is the child? A She will be 6 months old the 15th of October.
- Q She is living with you at the present time? A Yes sir.
- Q Who is the father of the child? A Howard M. Hill.
- Q Is she a Cherokee or a white man? A White man.
- Q What district in the Cherokee Nation are you living in? A Indeed I could not tell.
- Q You are living in the Cherokee Nation? A Yes sir, now.
- Q Where were you born? A Indeed I never heard my mother say, I don't remember.
- Q Don't know whether you were born in the Cherokee Nation or not?
- A No sir, I do not.
- Q Where were you living when you can first remember? A I was living with my grandfather.
- Q In the Cherokee Nation? A No, close to the line, in Missouri, right on the line; in Missouri though I believe it was.
- Q You were living in Missouri at that time? A Yes sir.
- Q Near what town? A Seneca, Missouri.
- Q You remember when you came to the Cherokee Nation? A Why yes, I just come lately, I don't remember just what date it was.
- Q How long ago, how many years ago? A About a year.
- Q Previous to that time you had always been living in the State of Missouri? A Yes sir, with my grandparents.
- Q What was your father's name? A Peter A. Blackfish.
- Q Is he living? A No sir.
- Q What was the name of your mother? A Ellen Hayes.
- Q You claim a right to enrollment through your father and mother?
- A My father.
- Q You were a white woman? A Yes sir.
- Q Is she living? A Yes, she is living.
- Q You claim to be a Cherokee or Shawnee? A A Cherokee-Shawnee.
- Q What was the name of your grand-father with whom you were living in Missouri? A Lewis Hayes.
- Q That was your mother's father? A Yes sir.
- Q You resided in the state of Missouri up until about a year ago?
- A Yes sir, my grandparents wouldn't let me come into the Cherokee Nation.
- Q When were you married to your husband, Howard M. Hill?
- A 2 years ago.
- Q After your marriage to him you removed to the Cherokee Nation?
- A Yes sir.
- Q Had you ever lived here before that time in the Nation? A No sir.
- Q You never had? A No sir.
- Q Three years ago last June you were living in the state of Missouri? A Yes sir.
- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Why I don't, I can't say; been here a year.
- Q Have you ever drawn any money as a citizen of the Nation?
- A Yes, I have drawn money.

- Q When? A My grandfather drew money; I forget just how long it was ago. About five years anyhow, I guess.
- Q Have you ever applied for citizenship in any other tribe?
- A No sir.
- Q Were you ever recognized as a citizen of the Cherokee Nation?
- A Yes sir.
- Q Is his name on any of the rolls? A Yes sir, from what I understand he is.
- Q Did your father always reside in the Cherokee Nation? A Yes sir, as a child I think.
- Q Did you ever apply to this Commission for enrollment as a citizen of the Cherokee Nation? A I never did, my grandfather did for me.
- Q That was how many years ago? A I don't know, it has been 5 years surely, anyhow.
- Q He applied to the Commission at that time? A Yes, it must have been five years.
- Q Your grandfather himself never claimed to be a citizen of the Cherokee Nation? A No sir, he was just trying to get me in.
- Q He was a white man? A Yes sir.
- Q Did you ever go by any other name than Effie M. Hill or Effie M. Blackfish? A No sir.
- Q Did they ever call you Effie M. Hayes? A No sir.
- Q Do you remember how much money your grandfather drew for you?
- A No sir, I do not; just whatever the rest of them drew though at that time.
- Q Did you ever draw any money in the Quapaw Agency? A No sir.
- Q Did you ever take any lands over there? A No sir.
- Q Never have taken any allotment over there? A No sir.
- Q Did you ever live with your father? A No sir, I moved with my grandfather.
- Q Did you ever have any brothers or sisters? A Not by my own mother and father.
- Q Did your father have any other children besides you? A Yes.
- Q You know the names of any of them? A No sir, I never knew them.
- Q You know whether your father and mother were ever married or not? A I could not say anything about their marriage.
- Q Don't you remember any of your half-sisters or brothers?
- A No sir.
- Q You don't know whether any were older than you or any younger?
- A No sir, I don't know.

1896 citizenship Docket A, Dawes Commission, examined and applicants not found thereon.

JOHN R. CAMPBELL, being sworn and examined testified as follows

BY COMMISSION:

- Q What is your name? A John R. Campbell.
- Q How old are you? A 46.
- Q What is your post-office address? A Vinita.
- Q Are you acquainted with the applicant, Effie M. Hill, who was formerly Effie M. Blackfish? A Yes sir.
- Q Do you know her father? A Yes sir.
- Q Do you know her mother? A Yes sir.
- Q Do you know whether the parents of the applicant were ever married? A I don't know about that.
- Q Where has the applicant been living during the past 8 or 10 years? A She has been living right along the line of Missouri and the Territory.
- Q Has her home been in Missouri or has it been in the Territory, that is, has she been actually living in Missouri or in the Territory? A She has been living when I knew her in Missouri.
- Q Do you know whether she ever drew any money from the tribal authorities of the Cherokee Nation? A Yes sir.

Effie M. Hill et al 3

Q You know what amount it was? A It was something like 180 dollars; the Cherokee payment, or Shawnee payment they had 4 or 5 or 6 years ago.

Q Was her father, Peter Blackfish, a recognized ~~citizen~~ Cherokee-Shawnee? A Yes sir.

Q Did you know any of his other children? A I have seen some of his children.

Q Could you give us the names of any of them? A No sir.

Q Do you know whether he had any children older than the applicant?

A I couldn't say about that; I think probably he did, somewhere along about the same age; he had other children.

Cherokee-Shawnee Pay roll page 6, No. 125, Ellie M. Blackfish, age 10 years.

1896 census roll of citizens of the Cherokee Nation examined for applicant and name not found.

1896 census roll examined for applicant's father and found on page 598 #54, Peter Blackfish, Delaware District.

1880 authenticated roll of citizens of the Cherokee Nation examined for Peter Blackfish and name not found neither is the name of his wife found thereon.

1894 pay roll of citizens of the Cherokee Nation examined for Peter Blackfish and name not found.

Commissioner. Effie M. Hill, applied for the enrollment of herself and her daughter Clara E. Hill as Cherokee-Shawnees; she is not identified upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission with the exception of the Cherokee-Shawnee pay roll made by D.W. Lipe, in 1896 according to number and page as set forth in the testimony, and even there she is not identified positively as the applicant. She avers that she is the daughter of Peter Blackfish and Ellen Hayes, and that she claims her right to enrollment through her father, Peter Blackfish, a Cherokee-Shawnee. Said Peter Blackfish is identified upon the census roll of 1896; it also appears from the records of the Commission that he has been listed for enrollment as a Cherokee-Shawnee on Cherokee card No. 3062, and the testimony filed in said case will be made a part of the case at bar. The applicant avers that she was married about 2 years ago to one Howard M. Hill, a white man. It appears from the testimony that she was raised in the State of Missouri at or near Seneca; that she lived there continuously up until about a year or so ago, when she returned to the Cherokee Nation. It will be necessary that the applicant file with the Commission satisfactory proof as to the birth of her daughter. By reason of the fact that the applicant has lived in the Cherokee Nation but one year and for the further reason that she is not identified upon any of the rolls except the Shawnee pay roll, she and her daughter will be listed for enrollment as Cherokee-Shawnees on a doubtful card, and when the decision of the Commission is finally rendered she will be notified in writing at her present post-office address. No satisfactory proof is made as to the marriage of the parents of the said Effie M. Hill.

SUPPLEMENTAL to judgment:

Applicant examined by Commission.

Q Why did you not remove to the Cherokee Nation sooner than a year ago? A Because my grandfather wouldn't let me.

Q You were living with him at that time and were a minor?

A Yes sir.

Q He was your guardian? A Yes sir.

Effie M. Hill et al 4

Q Did your father ever ask you to come to the Cherokee Nation and live with him? A Yes sir.

Q And your grandfather wouldn't let you come? A No sir.

Q Did any one ever come after you and endeavor to bring you to the Cherokee Nation? A Yes sir, there was folks come.

Q Some of your father's people? A No, I don't know whether they were or not.

Q They came there for the purpose of bringing you to the Cherokee Nation? A Yes sir, wanted me to come and he wouldn't let me.

Q Your grandfather wouldn't let you? A No sir.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this October 24, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 11 1901

ACTING CHAIRMAN

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 31st, 1901.

SUBJ: SUPPLEMENTAL TESTIMONY in the matter of the application for enrollment as Cherokee citizens of EFFIE M. HILL, ET AL., introduced on part of applicants:

APPEARANCES:

D. H. Wilson, Attorney for applicants;

Mr. J. S. Davenport, as Attorney for Cherokee Nation.

THOMAS DOUGHERTY, being duly sworn by Commissioner Breckinridge, testified as follows on part of applicants:

Q. COM'T BRECKINRIDGE: Give me your full name? A. Thomas Dougherty.

Q. What is your age? A. 51.

Q. What is your post office? A. Vinita.

Q. How long have you lived in the Cherokee Nation? A. Since '71.

Q. What are you, Shawnee? A. Shawnee.

Q. Well blood? A. Pretty near it I guess.

Q. You want to give some testimony in regard to the case of Effie M. Hill, et al? (No response.)

Q. You know this woman, Effie M. Hill? A. Well, I have seen her not personally acquainted with her.

Q. Not personally acquainted with her? A. No, sir.

Q. Do you know her father? A. Yes, sir.

Q. What was his name? A. Peter Blackfish.

Q. How do you know this woman is a daughter of Peter Blackfish? A. I asked him a while back; I met her in town and I asked him whether he had placed them on the roll before the Dawes Commission and he said no, I haven't, she is of age, she is married and she can do for herself.

Q. Is Peter Blackfish living now? A. No, he is dead.

Q. Did you have any personal acquaintance with this woman? A. No, sir, I have seen her a time or two.

Q. Well, how did you happen to be interested in this woman if you didn't know her? A. Well, I just asked him.

Q. How did you happen to ask him? A. Well, I saw him down here and had him to sign some papers on some land and I wanted to know, I first asked him about whether that child would be interested in this land matter.

Q. She was interested in the land matter? A. No, I asked him if she would be and he said no, and then I asked him whether he had placed on the roll before the Dawes Commission.

Q. You just happened to ask him the question? A. Yes, sir.

Q. What name did he call the child by? A. He didn't name her at all, he didn't give me any name.

Q. You don't know whether she was generally called Effie or Ellen? A. No, sir; but I find on the Dickson roll there her name is Ellen.

Q. That will speak for itself; you don't know anything about that? A. No, sir.

MR. WILSON: Tom, what do you know about this matter with respect to the child, Effie, being the one that was said to be the illegitimate child of Peter Blackfish; was that the one you referred to? A. Yes, that is the one.

Q. And is that the one that was placed on the roll, and that you had reference to when you asked him whether the child was on the roll? A. Yes, sir.

COM'R BRECKINRIDGE: Did you have any talk with Blackfish in 1896 about this child being put on the roll? A. Yes, sir.

Q. Well, what was the occasion of that talk and what was it?

A. Well, I just wanted to know if he placed that child on the Dickson roll.

Q Why did you want to know that when you didn't know the child?
A There was some parties got me to ask if she was placed on the roll.
Q What interest was placed in the matter? A There was a good many of these merchants letting out some goods and I suppose wanted to let some goods out and wanted to know if she was on the roll.
Q Were you interested with the merchants? A No, sir, they just wanted to know.
Q Who was interested? A Mr. Campbell.
Q They were intested in the paymnts? A Yes, sir.
Q And then you asked Blackfish about the illegitimate child?
A No, sir.
Q Well, did you ask him about this child you say is an illegitimate child? A Yes, sir.
Q But you don't know whether they called her Effie or Ellen or what?
A No, sir, as I said a while ago I didn't know until I saw the Dickson roll here not long ago.
Q Have you always known distinctly which one of his children was the one who was understood to be the illegitimate child? A Yes.
Q Have you always been able to recognize that child from the other children? A Since that conversation I have.
Q Since that conversation in 1896? A Yes, sir.
Q How did you happen to distinguish that illegitimate child from the other children at that time? A Because it wasn't living with the family.
Q When did you first see this child? A I never saw it until here about a month ago.
Q Well, then, you could not distinguish it because you never saw it? A I can from the conversation I had with Blackfish.
Q Whom was it living with in that day? A This illegitimate child?
Q This illegitimate child we are talking about? A I don't know she was living in Missouri, she wasn't living with this family.
Q You just know in a general way he had a child living up there?
A Yes, sir, from his conversation.
Q What was understood to be his illegitimate child? A Yes, sir.
Q Well, what reason have you to believe that this woman now called Effie M. Hill is the same person as that illegitimate child that you once understood was living up in Missouri but never saw in that day? A Well, only by hearsay from people that knew her.
Q Just as a matter of neighborhood information? A Yes, sir.
Q Are you personally acquainted, and have you for a long time been personally acquainted with all the members of Peter Blackfish's family except this woman, Effie M. Hill? A Well, no, not all the child, I don't know all the children.
Q You have not been personally acquainted with them? A No, I know the oldest ones.
Q Do you know anything about the mother of this woman, Effie?
A No, sir, I don't.
Q Well, what amoung of Indian blood does this woman, Effie seem to have; does she look like a full blood or half or quarter?
A She looks like some Indian.
Q You don't know whether her mother is a white woman or what?
A Well, only by hearsay, she is a white woman.
Q The general information and belief then is she is a white woman?
A Yes, sir.
Q You don't know who she was? A No, sir.
Q You have no knowledge that she and Blackfish were ever married in any way? A No, sir.
Q Do you know whether this woman is married now or not, this woman Effie? A I think do.
Q You don't know though? A No.
Q What name does she go by now? A Her name is Hill now.
Q That is the name she goes by? A Yes, sir.
Q In about a year I seen her husband, claimed to be her husband, with her here.

- Q They went as man and wife? A Yes, sir, and had one child.
Q She acknowledged this man Hill as husband? A Yes, sir.

Com'r Breckinridge: The attorney for Effie M. Hill files a document from the Interior Department giving a copy of certain parts of the Shawnee-Cherokee payment, known as the Dickson roll, containing the enrollment of Peter Blackfish and his family and in that list there are two names similar to the maiden name of the applicant, one is Ella M. Blackfish, five years old, and the other is Ellie M. Blackfish, ten years old. It is alleged that the latter name is intended for the applicant who now gives her name as Effie M. Hill.

The testimony just taken with the statement just made will be filed with the papers in this case, as will also the document from the Interior Department.

The attention of the attorney is called to what seems to be the chief requirement in this case at the present time, and that is: Proof of some form of marriage between the father and mother of Effie M. Hill; it being admitted by the attorney and stated by the witness giving testimony at this time to be a matter of common belief and information that the mother of Effie M. Hill, possessed no rights of herself, she being a white woman, and Effie being generally understood to be an illegitimate child.

MR. DAVENPORT, of the Witness Mr. Dougherty:

- Q Mr. Dougherty, the Campbell you spoke of speaking to you when the roll was being made is one of the Campbells that is in business at Seneca, Missouri? A It is John Campbell.
Q Where was he living then? A Seneca, Missouri.
Q You have known Peter Blackfish how many years? A Why, I don't know how many years, we was boys together.
Q You have known him since he moved to the Cherokee Nation in 1870, haven't you? A Yes, sir.
Q When he came to the Cherokee Nation was he a married man or single then? A I think he was a married man.
Q Did you know what his wife's name was? A It do, it was Mary.
Q When he died that same Mary was yet his wife? A Yes, sir.
Q And they continued to live together here from the time they came down here up until his death in the Cherokee Nation? A Yes, sir.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this November 9th, 1901.

[Signature]

Commissioner.

FILED

MAR 8 1905

COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory. March 6, 1905.

In the matter of the application for the enrollment of
Effie W. Hill et al, as citizens of the Cherokee Nation of Shawnee
blood.

By the Commission:

- Q. What is your name? A. Effie May Hill.
Q. How old are you? A. About 23.
Q. What is your post office address? A. I get mail at Peoria,
Indian Territory, and some off of the line of the M. K. & T.
Q. What was the name of your father? A. Peter Blackfish.
Q. What was the name of your mother? A. Helen Hayes.
Q. Where were you born? A. In Missouri.
Q. When did you come to the Territory? A. I came to the
Territory in 1901.
Q. You had never lived in the Territory up to that time? A.
No sir, they wouldn't let me live here?
Q. Who wouldn't let you? A. My grandfather, he raised me and
he wouldn't let me come to the Territory.
Q. Did your father and mother live in the Territory? A. My
father did.
Q. Where did your mother live? A. With my grandfather.
Q. Is your father living? A. No sir.
Q. When did he die? A. In 1901.--or 1900, I forget which.

MR. HASTINGS:

- Q. Were you born in Missouri? A. Yes sir, right on the line.
Q. Was your mother a white woman? A. Yes sir.
Q. Did your father and mother ever live together as husband and
wife? A. Yes sir.
Q. Did you live with them? A. I never lived with my father.
Q. You never lived with your father and mother while they were
living together? A. No sir.
Q. They never were married? A. I reckon they were.
Q. Have you any proof of your father and mother's marriage?
A. No sir.
Q. They were not living together when you can first remember?
A. No sir.
Q. Where did your grandfather live? A. Right on the
Missouri line.
Q. Was he your grandfather on your mother's side? A. Yes sir.
Q. And you were living with your grandfather when you can first
remember? A. Yes sir.
Q. And your mother continued to live there up until her death?
A. No ----
Q. When did she die? A. Well, I don't know just when she
died. I haven't heard from her in a long time. She left
there.
Q. Did you live with your grandfather until you married? A.

Effie M. Hill-----#2.

Yes sir.

- Q. Where did your mother go? A. I don't know.
Q. Did she afterwards marry? A. Yes sir.
Q. A white man? A. Yes sir.
Q. Where did she go to? A. I don't know just where she went.
Q. Didn't you ever hear where she went? A. I reckon she went to the Indian Territory.
Q. Is she living? A. I don't know whether she is or not. I have not heard from her in a long time.
Q. You do not know anything about her whereabouts? A. No sir.
Q. From your earliest recollection you were living with your grandfather in Missouri? A. Yes sir.
Q. When did you say you were married? A. In 1900.
Q. Where? A. In Missouri.
Q. Is your husband a citizen of the state of Missouri? A. He is a white man.
Q. How long did you live there after you were married? A. In Missouri?
Q. Did you live there a year? A. No sir, I live in the Territory. I moved to the Territory the next year after I married.
Q. From your first recollection up to 1901 you lived in the state of Missouri? A. Yes sir.
Q. You say you were married in 1900? A. Yes sir.
Q. And lived there about a year and then moved to the Indian Territory? A. Yes sir.
Q. To what part of the Territory did you first come? A. To Kelso.
Q. How long did you live at Kelso? A. About six months, I think.
Q. Then where did you go? A. To the Peoria Nation.
Q. How long did you live in the Peoria Nation? A. We are living there yet.
Q. Then you have never lived in the Cherokee Nation except the six months, and that was in 1901? A. We have been back several times.
Q. You were never here to live? A. No sir.
Q. Where do you keep house? A. McClure.
Q. You have kept house there since 1901? A. Yes sir.
Q. Q. You never kept house in the Cherokee Nation but six months? A. I have worked around at places, and I stayed at places.
Q. Where is your husband now? A. In the Peoria Nation.
Q. He is not here with you? A. No sir.
Q. When did your mother marry this white man and leave your grandfather's place? A. I don't know just when it was.
Q. About how old were you? A. About three or four years old I reckon.
Q. How old are you now? A. About 23.
Q. You do not remember your father and mother ever living together at all? A. No sir.

COMMISSION:

- Q. Did your father marry again after he married your mother?
A. Yes sir.
Q. What was his second wife's name? A. I never knew her.
Q. Where was your father living the last you knew of him? A.
A. Near Bluejacket.
Q. And you did not know your father's wife? A. No sir.

Effie M. Hill-----#3.

- Q. Did they have any children? A. Yes sir.
Q. Do you know the names of the children? A. I did know, but I have forgot them.
Q. Were you ever at his house. A. No sir.

(The father of the applicant is identified as Peter Blackfish on Cherokee Card no. 3062.)

- Q. Do you claim that your mother and father were married? A. I suppose they were.
Q. Is there anybody that you know of who knows about that fact? A. I never heard any one say anything about it.

(The case will be held open for one week, and if the attorney for the applicant does not appear and introduce further testimony within that time, the case will be closed and submitted on the record.)

(The attorney for the Cherokee Nation submits the case on the record as it now stands.)

Eula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled case, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 7th day of March, 1905

Myron White.
Notary Public.

Cherokee D-1241.

O.L.J.

Abto

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application for the enrollment of Effie W. Hill, et al., as citizens of the Cherokee Nation, of Shawnee blood.

---: D E C I S I O N :---

The record in this case shows that on October 12, 1901, Effie W. Hill appeared before this Commission, at Vinita, Indian Territory, and made application for the enrollment of herself and her minor child, Clara E. Hill, as citizens of the Cherokee Nation, of Shawnee blood. Further proceedings were had in the matter of said application, at Vinita, Indian Territory, on October 31, 1902 and March 22, 1902, and also at Muskogee, Indian Territory, on March 6 and March 13, 1903. A copy of the testimony, taken on September 19, 1900, in the matter of the application of Peter Blackfish, for the enrollment of himself and others, as citizens of the Cherokee Nation, has been filed with and made a part of the record in this case.

The evidence herein shows that the principal applicant, Effie W. Hill, is the illegitimate daughter of Ellen Hayes, a white woman, and Peter Blackfish, who died prior to September 1, 1902, but the names of whose children, claiming through him, appear upon the partial roll of citizens of the Cherokee Nation of Shawnee blood prepared by this Commission and approved by the Secretary of the Interior, November 14, 1902; that said applicant was born in the State of Missouri where her mother resided, and that from early infancy she has lived with her maternal grand-parents in said State of Missouri until 1901, when, at the age of eighteen, she removed to the Cherokee Nation, where she resided for a period of six months, since which time she has made her home in the Peoria Nation.

Effie W. Hill is identified upon the 1896 Cherokee-Shawnee Pay Roll and her minor child Clara E. Hill (born April 1, 1902) is identified by proper proof of birth filed herewith.

Paragraph Nine of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 498), provides:-

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is therefore the opinion of this Commission that, following the ruling of the Department in the case of Ellis Grinnett, et al., (I.T.D. 4430-1904), the application for the enrollment of Effie M. Hill and Clara E. Hill, as citizens of the Cherokee Nation, of Shawnee blood, should be denied under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Chairman.

(SIGNED)

T. B. Needles,

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

JUN 20 1905

ATTORNEYS:

W W HASTINGS Tahlequah, I T
J L BAUGH Chouteau, I T

STENOGRAPHER:

J C STARR Vinita, I T

MARSHALS:

JOHN PARKS Vinita, I T
W B WYLY Tahlequah, I T

Attorneys for the Cherokee Nation

BEFORE THE DAVES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....1841

Muskogee,
~~Cherokee~~ Ind. Ter., Jan. 8, 1908.

Mrs. Peter Blackfish,
Miami, I. T.

Dear Madam:

A woman by the name of Effie M. Hill claiming to be the daughter of Peter Blackfish has applied to the Daves Commission for enrollment. We understan that the mother of Effie M. Hill is a white woman and that she was never married to Peter Blackfish.

Please advise us as to what you know about this and oblige.

Yours very truly,

AMN. BENDY
THOMAS D. NEEDLES
C. R. HENDERSON
W. J. STAGERS

ALLEN N. AVERWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1241

Tahlequah, Indian Territory, July 20, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

Effie M. Hill has this day been notified that, before her application for enrollment as a citizen of the Cherokee Nation will be complete, further evidence should be introduced as to where she was born and as to the residence of her mother, Ellen Hayes, up to the time of her death; and that such testimony can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 20, 1903.

Respectfully,



Commissioner in Charge
Cherokee Land Office.

MEM

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

862
REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1241.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Effie M. Hill, et al., as citizens of the Cherokee Nation of Shawnee blood.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-60


Chairman.

(C O P Y)

Land
51829-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. August 1, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as citizens of Shawnee blood of the Cherokee Nation by Effie M. Hill for herself and her minor child, Clara E. Hill.

June 30, 1905, the Commission decided adversely to the applicants.

The record shows that the applicant is the illegitimate daughter of Ellen Hayes, a white woman and Peter Blackfish, who died prior to September 1, 1902, but the names of whose children claiming through him appear upon the partial roll of citizens of the Cherokee Nation of Shawnee blood, approved by the Department November 14, 1902; that said applicant was born in the State of Missouri, where her mother resided, and that from early infancy she has lived with her maternal grandparents in Missouri until 1901,

when, at the age of eighteen she removed to the Cherokee Nation, where she resided for six months, since which time she has made her home in the Peoria Nation. She is identified on the 1896 Cherokee Shawnee roll and her minor child is identified by proof of birth.

In view of the record and of the act of June 28, 1896 (30 stats., 495) the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M. M. M.

W.

(Copy of a Copy)

D.C. 52524-1905
I.T.D. 9746-1905

J.R.W.
S. V.P.
W.C.P.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY- GENERAL,
WASHINGTON.

November 11, 1905.

The secretary of the Interior,
Sir:

I received by reference of September 1, 1905, the papers in the case of Effie M. Hill for enrollment of herself and her minor child, Clara E., as citizens by blood of the Cherokee Nation. My opinion is requested, whether Effie M. Hill is entitled to enrollment.

Effie M. Hill, whose maiden name was Hayes, is the reputed daughter of Peter Blackfish, and enrolled and recognized Shawnee-Cherokee citizen, now deceased, and Ellen Hayes, a white woman, not citizen of the Cherokee Nation. Some contention is made in brief for the applicant that her parents may have been married, but there is no evidence of formal marriage, nor any but very slender and inconclusive evidence of habitual cohabitation between her parents as husband and wife. The parents of Ellen Hayes lived at Seneca, Missouri, and there the applicant was born, about 1883. Council for the applicant argue that as Indian custom permits the husband to "put away" or divorce his wife and take another at pleasure, Ellen and Peter may have been married. Peter, however,

testified before the Commission to the Five Civilized Tribes, September 19, 1900, that he married in 1868 his wife, Mary, and has lived with her as his wife ever since. As neither Cherokee nor Missouri law recognizes plural marriages, this contention seems to be undoubted. Peter also testified that he had lived in the Cherokee Nation for thirty years, except for a period of about six months "about 20 years ago" (1880). When "I had a job of work upon the State line in Missouri." The fair inference is that the applicant is the illegitimate child of the fortuitous concourse of her parents during his temporary absence from the nation and his family. In that testimony he named his children for whose enrollment he applied, and the applicant was not named.

The applicant resided with her mother at Seneca, Missouri until the mother's marriage to a white man, when the applicant was about three years old. She does not know, nor does the record show, her mother's whereabouts, or whether she is living. After her mother's marriage, Effie M. Hayes lived with her maternal grandfather, until her marriage to a white man in 1900. About a year thereafter, 1901, they removed into the Cherokee Nation, remained about six months, and went into the Peoria Nation, where they have lived, awaiting decision of her right to enrollment.

It is testified by L. B. Campbell, of Carthage, Missouri, that Peter Blackfish acknowledged the applicant as his child, and obtained her enrollment on the Dickson Shawnee-Cherokee strip

payment roll with his other children, drew the money due her at the payment \$185.57 and turned it over to him (Campbell) as her guardian, to be used in her education. The name of Ellie M., ten years old, appears as No. 123, of the Dickson roll, as daughter of Peter Blackfish, after others of his children aged twelve, eight, five, and three years respectively, the one five years old being a daughter. Ella M. Campbell also testified to the effect that the grandfather, Hayes, forbade Peter, the father, from coming to the house; that--

Peter Blackfish made several attempts to get her, he wanted to raise her himself, and sent some man over there to get her, and he (Hayes) run them off with a shot gun, and he (Peter) asked me to see that she went to school, and I sent her to school. He acknowledged her hundreds of times to me; come around and ask me about her, see her, and all about it.

Nothing was offered by the nation to rebut or discredit this evidence. I am therefore of opinion that the applicant's descent as child of Peter Blackfish, a recognized Cherokee-Shawnee citizen, is satisfactorily and clearly proven. She is identified on the 1896 Cherokee-Shawnee pay roll.

June 30, 1905, the Commission denied her enrollment, basing its decision upon the provision of section 21, of the act of June 28, 1896, (30 Stat., 495), that:

no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

The Indian Office recommended approval of that action.

A minor is incapable of choosing a place of abode or making a settlement. The settlement or domicile of a minor is such as is inherited from its parent, or is chosen for it by the parent, guardian, or other person having lawful custody of the child. After death or abandonment by the mother, the lawful custody of an illegitimate child belongs to the putative father. Pote's Appeal, 106 Pa., 574 Am. Dec., 540; Moritz v. Garnhart, 7 Watts, Pa., 302, 32 Am. Dec. 762; Dodge County v. Kemnitz, 32 Neb., 238; Adams v. Adams, 56 Ga., 236; Matter of Celina, 7 La. Ann., 162. After abandonment of the child by its mother on her marriage, the child's lawful custody belonged to Peter Blackfish, her father. It can not affect the right of the child that the father was forcibly excluded from her custody. In view of the law, and within the meaning of the act of Congress, the child had in good faith removed to and settled in the Cherokee Nation, her father being there settled, from the time he asserted his right

-5-

to her custody. She was therefore properly enrolled in 1894, which was prior to her reaching full age. Before reaching full age she affected her actual removal to the nation and applied for enrollment. I am therefore of opinion that she is entitled to be enrolled.

Very respectfully,

Frank . Campbell

Assistant Attorney General.

Approved: November 11, 1905 .

E. A Hitchcock,
secretary.

D. C. 52524-1905

(C O P Y)

Y P
FHE

I.T.D. 9746-1905,
18138--"

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 17, 1905.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the approved opinion of the Assistant Attorney General of November 11, 1905, in the Cherokee enrollment case (D-1241), of Effie M. Hill and her minor child Clara E. Hill.

In accordance with such opinion, in favor of Effie M. Hill, the decision of the Commission to the Five Civilized Tribes of June 30, 1905, adverse to both applicants, is hereby reversed, and you are authorized to enroll the applicants.

A copy of Indian Office letter of August 1, 1905, in the matter, is also inclosed.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

2 inclosures.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1241.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JK*

Muskogee, Indian Territory, November 25, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Effie M. and Clora E. Hill as citizens of the Cherokee Nation of Shawnee blood, was reversed by the Secretary of the Interior on November 17, 1905, and this office authorized to enroll said applicants.

For your information, there is inclosed herewith a copy of Departmental decision above referred to.

Respectfully,

Incl. S-183

Geor. O. Hodges
Acting Commissioner.

1241

THE COLLECTION OF

The M. Hall et al

1870

WENS.

C. H. Hall et al
The case in the rockfish

Decision *D-1241*
IN THE MATTER OF THE APPLICATION OF

Effie M. Hill et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

REFUSED

Revised
ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 11 1905

D-1241.

TESTIMONY FILED
WITH THE CHEROKEE NATION.

*Canceled by C. H. H. & transferred
to Chas 10961*

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-4-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

OCT 16 1881
FILED

ACTING CHAIRMAN

you will find the following report of the
Commissioners of the Five Civilized Tribes
for the year ending 1880. The report is
submitted to you for your consideration
and for the purpose of being placed on file
for the use of the Department.

first and complete statement of the state of the Five Civilized Tribes
for the year ending 1880. The report is submitted to you for your
consideration and for the purpose of being placed on file for the use
of the Department.

REPORT OF THE COMMISSIONERS OF THE FIVE CIVILIZED TRIBES
FOR THE YEAR ENDING 1880.



COMMISSIONER

Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of C. Howard Davis for enrollment as a Cherokee by intermarriage.

Appearances:

Mellette & Smith, attorneys for applicant;
E. L. Baugh, Cherokee representative.

C. Howard Davis, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A C. Howard Davis.
Q What is your age? A 33.
Q What is your postoffice address? A Checotah.
Q What district do you live in? A Canadian, just across the line in the Creek Nation.
Q Do you apply to be listed for enrollment as a Cherokee citizen?
A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q What is your wife's name? A Anna C. Davis.
Q What is her age? A 27.
Q What is her father's name? A J. N. Scott.
Q Is he living? A No, sir.
Q What is her mother's name? A Mattie Scott.
Q Is she living? A No, sir.
Q Is she a citizen by blood, your wife? A Yes, sir.
Q Has she been listed for enrollment by this Commission yet? A No, sir.
Q She is living is she? A Yes, sir; not as a Cherokee.
Q You say she is not a Cherokee? A She has not been enrolled by this Commission as a Cherokee.
Q Has she been enrolled as anything? A Yes, sir, as a Creek.
Q Well, is Anna Scott your first wife? A Yes, sir.
Q You her first husband? A Yes, sir.
Q If your wife is a Creek by what right do you claim to be enrolled as a Cherokee? A She is a Cherokee too.
Q Any proof of your marriage? A Yes, sir (hands Commissioner paper.)

Commissioner: The applicant presents a duly authenticated marriage license, issued by George Jennings, Clerk of Canadian district, authorizing marriage between Mr. C. Howard Davis and Mrs. Anna Davis, said license being recorded as provided by law. Applicant also presents a certificate of marriage, signed by J. M. Amerson, certifying that he solemnized the rights of marriage according to the authority granted in the license presented, on the 31st day of July, 1895. The applicant also presents a certified copy of an act of the Cherokee Council to readmit Anna C. Scott and Martha A. Scott to citizenship; said Act being signed in November 30, 1886, by L. B. Bell, President of the Senate, and R. T. Hanks, Clerk; concurred in by the House December 1, 1886; approved by the Speaker of the Council and D. W. Bushyhead, Principal Chief; the certificate being signed by E. W. Alberty, Assistant Executive Secretary of the Cherokee Nation under the great seal of the Cherokee Nation.

Q I notice, Mr. Davis, that the license you present authorizes you to marry Miss Anna Davis, and you testify that your wife's maiden name was Anna Scott; how do you account for that? A Well I just noticed that this morning, I presume it was just a clerical error of the clerk, because my wife's name was Scott and she had never been married before.

Q Do you testify then that the Mrs. Anna Davis mentioned in this license is the Anna Scott to whom you were married? A Yes, sir.

Q Were you ever married to Anna Scott before this license was issued? A Yes, I was married by a license in Muskogee.

Q You were married by United States license? A Yes, sir.

Q To Anna Scott? A Yes, sir.

Q And afterwards by this Cherokee license? A Yes, sir.

Q Well that then would explain the reason why the name of Anna Davis is in this license, because of the fact that she had at that time been married, that her name at that time was Anna Davis because you had been married to her according to the laws of the United States before? A Yes, I presume so.

Q Well, as I understand you, ~~was~~ you were married according to the laws of the United States before you were married according to the Cherokee laws? A Yes, and I think in the application for the license her name was put in Anna C. Davis, nee Scott.

The 1896 census roll and the authenticated roll of 1880 examined, and the applicant or his wife not found thereon.

Q How long has your wife Anna lived in the Cherokee Nation? A I don't know, sir, right after that admission she was at - she went to school at the Cherokee Orphan Asylum.

Q Where was she when she was admitted here in November, 1886?

A She was living at Muskogee then I think.

Q Why was it that she had to be readmitted, do you recollect?

A No, sir, I don't, I don't know.

Q Now you say your wife ~~is~~ enrolled as a Creek? A Yes, sir.

Q Does she claim Creek citizenship? A Yes, sir.

Q Well if she was admitted as a Cherokee here, how does it happen that she was enrolled as a Creek; did she ~~is~~ elect to take her citizenship in the Creek Nation? A Finally she did, yes, sir, just recently; when it came to final allotment then she elected to take in the Creek Nation.

Q She was of Creek blood? A Yes, sir.

Q Your name isn't on any of the rolls of the Cherokee Nation is it? A I don't think it is, I have submitted my papers to the Commission before this but I don't think it is on any roll.

Q You have applied before this, have you? A I didn't apply but at one time they called for the papers, some papers, and I never have heard anything from them at all; that was at Fort Gibson several years ago; I have never heard anything about it.

Q What papers was it you submitted at that time, do you recollect?

A A certified copy of these.

Q How long have you lived in the Cherokee Nation? A I have been practicing medicine in the Creek Nation, I don't live in the Cherokee Nation.

Q Have you ever resided in the Cherokee Nation at all? A I haven't resided in the Cherokee Nation myself, my practice is right there in Checotah, close to the line.

Commissioner: G. Howard Davis applies for the enrollment of himself as a Cherokee citizen by intermarriage. He makes satisfactory proof as to his marriage according to the laws of the Cherokee Nation. He avers that his wife is one Anna C. Davis, whose name cannot be found upon any of the rolls of the Cherokee Nation. The applicant presents a certified copy of an act of the Cherokee Council more particularly described in the testimony, admitting Anna C. Scott, and who he claims to be his wife, to Cherokee citizenship. He avers that he has never resided in the Cherokee Nation. He avers that his wife, Anna C. Davis, is now enrolled as a citizen of the Creek Nation, she having elected to be recognized as a Creek citizen instead of a citizen of the Cherokee Nation.

Applicant: I have a certificate there showing that I paid taxes in the Cherokee Nation and I own a home in the Cherokee Nation.

Q You say you own a home in the Cherokee Nation? A Yes, sir.

Commissioner: By reason of the fact set forth in the evidence as to the residence of the applicant, and also as to the citizenship of his wife, the decision as to the enrollment of

the said C. Howard Davis as a citizen by intermarriage of the Cherokee Nation will be suspended, and his name will be placed upon a doubtful card awaiting the further decision of the Commission.

Mr. Smith: Dr. Davis, what is your business? A I am a physician.

Q Where do you live? A In Checotah, Indian Territory.

Q How long have you lived in Checotah? A I have lived in Checotah ever since '94.

Q How far is Checotah from the Cherokee Nation? A Wait a minute: my postoffice has been Checotah since '93.

Q How far is Checotah from the Cherokee line, the line of the Cherokee Nation, the boundary between the Cherokee and Creek Nations?

A I think it is about three or four miles.

Q Has that been your home continuously since the time you have been there, in '93 or '4? A It has, yes, sir.

Q Does your practice extend in the Cherokee Nation? A It does, yes, sir.

Q Do you own any property in the Cherokee Nation? A Yes, sir.

Q What? A I own a farm.

Q How long have you owned a farm in the Cherokee Nation? A Since '95, 1895.

Q Well then ever since you were married? A Ever since I was married.

Q What are the character of the improvements on that farm? A Well there is some houses on it and some plowing and fencing.

Q Have you ever made any application to any other tribe or Nation to be enrolled? A No, sir.

Commissioner: Has your wife ever applied to the Dawes Commission to be enrolled as a Cherokee? A By the Dawes Commission, no, sir, not as a Cherokee.

Q You own a farm in the Creek Nation? A My wife does.

Q Well, you own a farm in the Cherokee Nation by virtue of your right as an intermarried citizen, I suppose? A Yes, sir.

Q The fact is, that your wife owns the farm in the Cherokee Nation as well as in the Creek Nation? A No, sir, I won the farm over there.

Q Well, if you were not married to a Cherokee you would have no right to own a farm in the Cherokee Nation? A No, sir.

Q Then the right that you get to own that farm is through your wife by virtue of being an intermarried citizen? A Yes, sir.

Mr. Baugh: Your wife, though, has never lived in the Cherokee Nation since she was admitted to citizenship?

Mr. Smith: I object to that because the act admitting her has no restrictions as to residence.

Commissioner: Yes, but the fact of residence is material.

A Yes, she has lived in the Cherokee Nation.

Q Made her home here? A Yes, she has attended school at the Cherokee Orphan Asylum and then she lived afterwards at Adair.

Q Was she ever married before she married you? A No, sir.

Commissioner: How long has your wife owned a farm in the Creek Nation; she own it there before you were married or afterwards?

A Afterwards.

Q She never owned any lands in the Creek Nation before you were married then? A She did not.

Q She ever draw any money as a Creek citizen, do you know? A Yes, sir.

Q Her name then is on the rolls as a Creek citizen? A Yes, sir; did I understand you to say a while ago that her name was not on any of the rolls of the Cherokee Nation?

Q Well we couldn't find her.

A She drew money as a Cherokee.

Q What money did she draw? A Strip money; she is also on the old settler roll.

-4-
Q You know what district she was in? A Canadian.

The 1894 pay-roll examined, and the applicants wife identified therein, Page 94, No. 1976, Annie Scott, Canadian district.

Commissioner: The name of his wife, Anna Scott, is identified upon the pay roll of 1894.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 14th of October, 1901.

[Signature]

Commissioner.

B.

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OF THE SECRETARY OF THE ARMY
RECEIVED

OCT 14 1901

[Signature]

ADJUTANT GENERAL

4

MISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 14 1901


ACTING CHAIRMAN

See also 10/24/2

B. W. Alberty

C

Chin. 101242

Recorded Aug 8th 1895-
George Jennings
Clerk Canadian Dist
C. N.

COMMISSION TO THE FIVE CIVILIZED

FILED
OCT 14 1901

Handwritten signature
J. R. P.

Marriage License.

CHEROKEE NATION,

Canadian

DISTRICT.

TO ANY PERSON LEGALLY AUTHORIZED—GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of marriage between *Mr. C. Howard Lewis* a citizen of the United States, and *Mrs. Annie Davis* a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of office, this the *1st* day of

July

1895.

George J. Smith

Clerk

Canadian

District.

J. M. Amersan
a minister of the gospel
do hereby certify that I have
this day duly solemnized
the Rights of matrimony
Between the parties named
this ⁱⁿ license here to attached
my Credentials is Recorded
in Book A in Clerks
office of the U S Court at
Muskegon I L.

This July 31: 1875
J. M. Amersan

Witness { Cora A. Scott

Supl.-C.D.#1242.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of C. HOWARD
DAVIS as a citizen of the Cherokee Nation:

The applicant in this case was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902. Receipt has been acknowledged of Commission's letter, and applicant this day, to-wit: the 22d day of March, 1902, appears by his Attorneys, Mellette & Smith.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission of Mr. Smith Is there any statement you desire to make in the case, Mr. Smith?

Mr. Smith: No, sir.

Mr. Hastings: The Cherokee Nation desires to refer the Commission to District Court No. 253, being the case of Will E. Linton, versus the Cherokee Nation, No. 5358, appealed from the Dawes Commission in 1896. The same can be found upon the Dawes Commission 1896 record, book B, page 445.

Mr. Smith: The counsel for the applicant objects to the introduction of any testimony at this time for the reason that the applicant has had no notice that any testimony would be offered at this time under the rule provided by the Commission, and if the same is not offered as evidence it has no place in the record.

Mr. Hastings: The Cherokee Nation does not offer this as evidence but does offer it as a precedent that was established by the United States District Court in the Will E. Linton case decided in that case on appeal from the Dawes Commission in 1896. This is a parallel case. Linton's wife was both Creek and Cherokee. This man's wife is both Creek and Cherokee. This man's wife according to the record elected and took an allotment in the Creek Nation, and the Court decided in the Linton case in the case she elected to take her allotment in the Creek Nation that Will E. Linton should not be enrolled as a citizen of either Nation.

Mr. Smith: The counsel for the applicant moves to strike all of the matter offered by the Cherokee Nation from the record for the reason that it is not offered as evidence but is simply an argument of Counsel and ought not to be included in the record.

Commission: Attorney for the applicant and representative of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record. Attorney for applicant will be granted 20 days in which to file a brief of the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereat.

J. O. Rossen

Charles Doolittle

Nov 12 42

Edward Davis

Brief and Argument

Copy

1902

ACTING CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of O. Howard Davis, for enrollment as a Cherokee Citizen by intermarriage. Cherokee Doubtful. #1242.

STATEMENT.

The record in this case shows that the applicant married Anna C. Scott, on the 31st. day of July, 1895 in accordance with the Cherokee laws upon the subject of intermarriage; that the wife of the said applicant who was Anna C. Scott, was an accredited and recognized citizen of the Cherokee Nation being duly admitted to citizenship by an act of council of the Cherokee Nation on November the 30th. 1886; that the said Anna C. Scott, was residing in the Cherokee Nation at the time of her marriage to this applicant; that immediately after the admission of the said Anna C. Scott by said council, she went to school at the Cherokee Orphan Asylum; that after attending school at the Cherokee Orphan Asylum the said Anna C. Scott made her home in Adair, in the Cherokee Nation, Indian Territory; that the said Anna C. Scott, was also paid by the Cherokee Nation her pro-rata share of the strip funds and that she was duly enrolled by the authorities of the Cherokee Nation on the 1894 pay roll, page 94, 1876, and that she was then living in the Canadian District and still in the Cherokee Nation. That this applicant has himself owned property in the Cherokee Nation continuously from the time of his marriage, also paid taxes to the Cherokee Nation; that he complied in all things with the law of the Cherokee Nation with regard to intermarriage with a Cherokee lady and that he became, in July 1895, a duly accredited and recognized citizen of the Cherokee Nation by virtue of said marriage.

There being no dispute as to the fact that the applicant once acquired citizenship in the Cherokee Nation, then the inquiry naturally arises, what contention can the Cherokee Nation urge which will now deprive the applicant of his right to citizenship which once attached?

2. Davis.

- BRIEF.-

The first thing this Commission will do will be to sustain the objection of counsel for the applicant to the incorporating into the record in this case matter purporting to be the notes upon the bench docket of Judge Springer, accompanied by statements of counsel for the Cherokee Nation as to the facts in the case of Will E. Linton vs. Cherokee Nation. This was followed by a motion to strike the same from the record but under the practice adopted by the Commission the objection was merely noted and decision reserved for the future action of the Commission.

It will be noted that one ground of objection was, that the applicant had no notice such as required by the Commission, that testimony would be of record upon that day. It was then stated by counsel for the Cherokee Nation that the latter was not offered as evidence but merely as a citation of authority, it not being claimed that there was any connection between the Linton case and the case at bar. It is useless to argue such a proposition as this. By the statement of counsel for the Cherokee Nation the matter goes out of this record. If it is not evidence (and it certainly is not,) it most assuredly has no place in this record. We apprehend however, that counsel will embody the language of the notes upon the bench docket in his brief which would be the proper way to refer the Commission to the fact that Judge Springer had entered such notes upon his bench docket.

The opinion (if it can indeed be called an opinion) will then have its proper weight, as would the citation of any other authority counsel chose to mention. The statement of counsel however, which accompanied the offer of this matter that there was any similarity between the Will E. Linton case and the case at bar, can not be considered for the reason that it was stated that it was not offered as evidence and did not accompany the offer of any evidence.

There is no rule so far as we are advised, known to the law which would give it place. There is absolutely nothing for it to rest upon.

3. Davis.

In as much however as counsel will doubtless quote the notes upon the bench docket of Judge Springer, in his brief, we may as well notice the same at this time. The full and complete entry upon the books in possession of this Commission is as follows:

Will E. Linton, et al, vs. Cherokee Nation. #255
Dawes Commission #5358.

"The following is a true copy of the judgment of the United States Court of November the 10th. 1899, as shown by the Judges bench docket:

I - The appeal is affirmed with this modification: If Pauline B. Linton elects to be enrolled as a citizen of the Cherokee Nation, she, her husband and children will be enrolled as citizens of the Cherokee Nation. If she elects to be enrolled as a citizen of the Creek Nation, she and her children will be enrolled as citizens of the Creek Nation and her husband will not be enrolled as a citizen of either the Creek or Cherokee Nation."

The above is all there is and just what the Commission will be able to make out of these notes entered upon the Judges docket without any information whatever as to what the judgment was based upon, we are unable to determine.

The Commission can not accept statements of counsel as to what was the nature of the action in which this judgment was rendered, nor the facts which were adduced in testimony in that case. The Commission will take judicial notice of the fact that it has two separate jackets which are supposed to contain the papers in the cases numbered respectively: Court # 53, Dawes #5358 and that there is not a paper in either jacket except the report of the Master in Chancery. Without the papers in the case and without the evidence, it would be difficult for this Commission to determine correctly what was before Judge Springer when he passed upon what has been referred to. We make the statement with regard to the papers by reason of the fact that after our attention was called to this matter, just at the close of the case at bar when it was being finally submitted, we called for the papers in the Will E. Linton case and found that there were none except the report of the

4. Davis.

Master. But for the sake of the argument, suppose that the Commission believes that which it can not know from this record and which it must know before it can judicially take into consideration the proposition that Judge Springer held that the intermarried husband of the Cherokee lady could not remain a citizen of the Cherokee Nation if his wife elected to take her own allotment in the Creek Nation, it would only be taken by the Commission as an authority or precedent of more or less authority in aiding this Commission to arrive at its conclusion of the law, just as the Commission would consider any other cited case or authority cited by counsel in an argument.

The worth of an authority depends upon the court which rendered it. It is valuable in accordance with the standing and recognized ability of the court which rendered it. It was Judge Springer, who said on the floor of congress that he would "rather be right than President," and to which the Hon. Thomas B. Reed replied, "the gentleman will never be either." We thank however, that this statement of Mr Reed's should be limited to many of the judicial expressions of the Hon. Judge.

The fact that there is no reason assigned for this so called judgment in its chief recommendation. If we would assume, merely for the sake of the argument, that Linton's wife was a Cherokee Indian and that Linton married her according to the Cherokee law and established his right in the Cherokee Nation, and that his wife was also a Creek, but how the honorable Judge reached his remarkable decision we are afraid we will never know. Of course it is impossible for this Commission to know in this case whether Mrs. Linton was a Cherokee citizen, and if so whether Mr Linton married her in accordance with Cherokee laws, and whether citizenship ever attached to Linton, or what were the facts before Judge Springer when he passed upon that case, because none of those facts are in the record in the case at bar. But let us anticipate the evident argument of the Cherokee Nation that if the wife who is both a Cherokee and a Creek, elects to take her allotment in the Creek Nation, she not immediately divests her husband of his previously acquired rights. In other words let us apply it to this case; the applicant herein became a duly accredited citizen of

5. Davis.

the Cherokee Nation by adoption by virtue of his intermarriage to Anna S. Scott who was then a recognized citizen of the Cherokee Nation, retaining in the Cherokee Nation, and his status by the Cherokee law itself was then fixed.

To invite the closest scrutiny of all the laws of the Cherokee Nation and believe that not one can be cited which provided that a man who is once a citizen of the Cherokee Nation can lose his citizenship by any act of his wife for which he is in no way responsible. Under the law of the Cherokee Nation when a man married a white woman, the marriage laws thereof, he became a citizen by adoption, and his status was fixed as such and his legal existence was by no means merged into that of his wife but he became a citizen with all the rights and privileges incident thereto, and the only method by which he could be deprived of that citizenship is specially pointed out in the Cherokee law on the subject of adopted citizenship by intermarriage. The Cherokee law on the subject of the adopted citizen contains the following provisions which could work a forfeiture of citizenship of the adopted citizen. First in section 665 of the Code of Laws of the Cherokee Nation it is provided that any adopted citizen who shall use the intermarriage law in the prosecution of the Cherokee Indians, shall forfeit his rights of citizenship. Second section, 666, provides that if the widow or widower of an adopted citizen marry a white man or woman, he or she shall forfeit their citizenship. Third, section 667, that when an adopted citizen shall abandon his wife he thereby forfeits citizenship. These provisions then and the general provisions of the Constitution with regard to abandoning the tribe, are the only methods by which a citizen could forfeit his citizenship. It is especially important to note the three provisions mentioned in the chapter on adopted citizens and the additional provision found in section 668, that if an adopted citizen abandon his wife without lawful cause all of his property within the limits of the Cherokee Nation shall be the absolute property of the wife, or the wife and children. The four contingencies which might work a forfeiture of Cherokee citizenship as to an adopted citizen, show that the legislative body of the Cherokee Nation provided for

6. Davis.

everything which was meant to forfeit the right of an adopted citizen. It is one of the cardinal rules of Statutory Construction that whenever an act is passed which enumerates certain provisions such as we refer to, every other provision is excluded, because when the legislative authority has spoken in this way it is presumed that everything is included which the legislature intended. In other words, it limits the right of the Cherokee Nation to forfeit citizenship once acquired to the conditions enumerated in the act which declares that upon certain conditions the adopted citizen should forfeit his rights.

"An express exception, exemption or saving excludes others. Where a general rule has been established by statute with exceptions the court will not curtail the former nor add to the latter by implication. . . . The expression of one thing is the exclusion of another; and consequently no limit or exception was intended."

Sec. 328, *Cherokee Nation v. United States*, 197 U.S. 462, 25 S. Ct. 507, 67 L. Ed. 1163, 1164.
Construction.

It is entirely clear that in a general law enacted by the Cherokee Nation giving citizenship to intermarried citizens, the four enumerated conditions which we have mentioned above, by the rules of Statutory Construction, the only conditions subsequent which could forfeit that citizenship or citizenship previously granted.

It is also clear that in this case compliance with the terms of the ~~Cherokee~~ Cherokee law and because an adopted citizen of the Cherokee Nation, and the grantor of that right and privilege and the Cherokee Nation was the grantor; just as corporations which were once formed by a special legislative act were now formed by a compliance with a general law by which they may be brought into existence. When citizenship was once conferred the parties in privity were the Cherokee Nation and the adopted citizen who had acquired citizenship under a general law of the Cherokee Nation. Now then can it be said that the act of a third party, or the act of the wife of the applicant in this case can forfeit the previously acquired rights of the applicant himself?

It is certainly foreign to any principle of law that the act of a third person can deprive another of his rights. It will be observed by the reading of the chapter of the Cherokee law hereinbefore referred to, that upon compliance with certain conditions that a citizen of the

7. Davis.

United States could, by a marriage with a Cherokee lady, become a citizen of the Cherokee Nation. The Cherokee Nation then enumerated the conditions upon which it could work a forfeiture, none of which conditions are in this case, but it is especially desired at this time to invite the attention to the proposition that even upon the happening of a condition subsequent after a general grant of citizenship, it was the Cherokee Nation which was to deal with the person who had forfeited citizenship; it was a matter between that person and the Cherokee Nation. The adopted citizen stood as the grantee of the rights and privileges of the Cherokee Nation while the Cherokee Nation occupied the position of the grantor and the question was between these two persons, and not only no other person could under any circumstances forfeit the rights of the adopted citizen, even though that person be the wife of the adopted citizen.

We consider these self evident propositions.

If Mr Davis wife had died he would still have been a citizen of the Cherokee Nation. It is an afterthought which within that provision which is now only referred to as "carried out." Now can it be supposed that because his wife was taken an allotment in the Cherokee Nation that he is entitled to take one and that he would have been had she done so? He will have, and can never have, anything more than was originally granted him.

Mr Webster, in his work on Citizenship, page 300 says:

"The citizenship acquired by an alien woman through marriage to a citizen of the United States is not lost by the death of the husband."

And also at page 298, the same author lays down the rule:

"Upon death of the husband the former citizenship of the wife does not revert; she must do some act by which to work a change in her nationality, if she should desire to do so."

This but serves to illustrate our contention that any act which would forfeit the citizenship of this applicant must be one for which he is responsible. In other words, some act of his.

II.

In addition to the points which we have mentioned it is to be remembered that the same act of the Cherokee Nation which enumerates the conditions subsequent upon the happening of which citizenship

8. Revis.

should be forfeited, contains a provision as to how it should be forfeited and that was in a judicial proceeding and a direct proceeding brought for the purpose of judicially determining the question of forfeiture.

Section 669 of the chapter of Intermarriage and adopted citizens in 1850 of the Code of Laws of the Cherokee Nation of 1827, provides as follows:

"The Circuit Court shall have authority to hear and determine all cases that may be brought before it by any person or by an attorney of the district wherein it may be alleged that a citizen of the United States or any other government, adopted by inter-marriage under the laws of the Cherokee Nation, has forfeited his rights to citizenship ~~XXXX XX XXX~~ or his position by acts which declare such forfeiture."

It is quite apparent from this provision that the Cherokee Nation cannot make a forfeiture in the case of this applicant before this Honorable Court. It can not collaterally attack the applicant upon this ground. The Supreme Court of the United States in the case of United States vs. Johnson, 170 U. S. 476, held, that there is a well defined and well settled distinction between a government working a forfeiture and the case of an individual; that the individual may re-enter after the lapse of a certain period of time, but that a government cannot do so except by a judicial determination of that particular question. The language of the court in that case is:

"A distinction is made by the authorities between the case of a private grantor who may re-enter in the case of a breach of the condition, and the government, which can only recover of itself of lands by a judicial or legislative action."

And the court further says of the character of legislative action, that:

"As it is to take the place of a suit by the United States to enforce a forfeiture, and a judgment therein establishing the right, it should be direct, positive and free from all doubt and ambiguity."

In this case there is no question of legislative action and can be none for the reason that the act itself under which this applicant took citizenship expressly provides for a judicial determining in a direct proceeding as to all questions of forfeiture.

There can be no dispute about the fact that the contention of the Cherokee Nation is based upon an alleged forfeiture for when it is

9. Davis.

Clearly established that the right of citizenship was by this applicant acquired, there can be no other basis for objection to his enrollment than alleged forfeiture.

Referring again to the merits of the case, it will be remembered that this applicant has owned substantial property interests in the Cherokee Nation ever since his marriage and now owns them and has been taxed by the Cherokee Nation.

It is respectfully submitted that there is no law by which this applicant can be deprived of his right of citizenship in the Cherokee Nation.

Respectfully Submitted.

Attorneys for Applicant.

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THESE ARE THE RESULTS OF THE INVESTIGATION.

NOTE: THE RESULTS OF THE INVESTIGATION.

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DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory, June 11th 1902.

In the matter of the application of C. Howard Davis for enrollment as a citizen of the Cherokee Nation by intermarriage.

Brief of the Cherokee Nation.

The testimony in this case shows that the applicant is a white man, that he married Annied Scott in accordance with the laws of the Cherokee Nation on July 1st 1895; that his wife Annie Davis, nee Scott, is of both Cherokee and Creek blood but that she elected to take her allotment in the Creek Nation. The testimony further shows that Annie Davis has practically lived in the Creek Nation all of her life; that clearly she has lived there since 1893 and that the applicant himself has never lived in the Cherokee Nation.

The attorney for the applicant makes a very technical appeal to the Commission on the constitutionality of the opinion referred to in this case rendered by Judge Springer in the Will E. Linton case because he realizes the dead effect of that decision. The Cherokee Nation takes it for granted that the Commission desires all the judicial light that can be found, thrown upon this case; that the commission desires no concealment whatever; that if a case is referred to the Commission will look into the facts itself upon its own motion to find out upon what state of facts the decision was rendered; that the Commission itself is charged with the grave responsibility of making this roll; that the Cherokee Nation is not a party to it but is only assisting the Commission in arriving at the facts that exist in each case so that the Commission can make a correct roll of the citizens of the Cherokee Nation. In the Will E. Linton case his wife, Pauline B. Linton was Pauline Shannon, who lived at Gibson Station just across the Cherokee line in the Creek Nation; she was readmitted to citizenship in the Cherokee Nation in 1888, she was of both Cherokee and Creek blood; in this case Annie Scott was a recognized

Creek and like Pauline Linton lived in the Creek nation and was admitted to Cherokee citizenship like Pauline Linton in 1886. Both married white men; both elected to take their allotments and be enrolled in the Creek Nation.

Will E Linton was rejected by the United States Court on appeal from the Dawes Commission in 1896 or rather the court indicated that in the event the wife elected to be enrolled as Creek in the Creek nation that he should not be enrolled as a citizen of the Cherokee Nation by intermarriage.

This same decision applied to this case; it is exactly similar in every particular. True Annie Scott went to school a short time at the Orphan Asylum but the testimony shows that she lived in the Creek nation all of her life just as Linton's wife did. She has continued to live in the Creek nation subsequent to her marriage just as Linton's wife did. She elected to be enrolled in the Creek nation just as Linton's wife did.

There is a good reason why C. Howard Davis should not be enrolled in the Cherokee nation; he acquired whatever rights he has in the Cherokee Nation, if any, through his wife but his wife was all the time a citizen of the Creek nation and although she might have been admitted in 1886, yet she was not entitled to enjoy the rights of citizenship in the Cherokee Nation one minute because she did not give up her citizenship in the Creek Nation and it is perfect folly to argue that Annie Davis, nee Scott, was a citizen of the Cherokee Nation on July 31, 1895 because upon that date and ever since the hour of her birth she was a recognized citizen of the Creek nation and in as much as we have argued in numerous cases that a person can not be at one and the same time a citizen of two nations or governments we deem it unnecessary to argue this question in detail here. But it is considered that this woman was always a citizen of the Creek Nation. She was a citizen when she married Davis therefore she was not a citizen of the Cherokee Nation.

We know of no one who was more familiar with questions of citizenship and the laws relative thereto than was Judge Springer, unquestionably one of the ablest and purest ^{jurists} ~~justices~~ that has graced the bench in the Indian Territory; he was one of the hardest workers that was ever sent to the Indian Territory; his lengthy citizenship decision is commented

upon by the Supreme Court of the United States in the Stephens case and upheld. No man has had the same experience with citizenship as has Judge Springer and we commend his experience to the Commission.

But the decision is entirely equitable. Here is a man who claims to have acquired rights through a woman and yet admits that that woman has not Cherokee rights at the present time. Judge Springer in the Linton case said: " The appeal is affirmed with this modification, if Pauline B. Linton elects to be enrolled as a citizen of the Cherokee Nation, she, her husband and children will be enrolled as citizens of the Cherokee Nation. If she elects to be enrolled as a citizen of the Creek Nation she and her children will be enrolled as citizens of the Creek Nation and her husband will not be enrolled as a citizen of the Creek or Cherokee Nation."

In other words Judge Springer decided that in as much as the citizenship of the husband depended upon that of the wife, if the wife by her election decided that she was a citizen of the Creek Nation, her husband could not be enrolled as a citizen of the Cherokee Nation.

We submit that this decision in a citizenship case, decided by a Judge who has passed upon hundreds of citizenship cases is binding upon the Commission in this case in as much as the facts are exactly the same.

Respectfully submitted,

J. C. S.

W. W. Hastings
Attorney for the Cherokee Nation.

Cher-D-1242.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskegee, I.T., October 27, 1902.

In the matter of the application of Charles Howard Davis for enrollment as a citizen by intermarriage of the Cherokee nation.

Charles Howard Davis being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Charles Howard Davis.
Q What is your postoffice address? A Checotah, I.T.
Q What is your age at this time? A Thirty-four.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee nation? A Yes sir.
Q What is your wife's name? A Anna C. Davis.
Q Is she living at this time? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Was she recognized as a Cherokee citizen at the time you and she were married? A Yes sir.
Q She is also recognized as a citizen of the Creek nation, isn't she?
A Yes sir.
Q And she has elected to be enrolled and take her allotment in the Creek nation, hasn't she? A Yes sir.
Q When were you married to your wife Anna? A In 1895.
Q What time in '95? A In July I think it was; the records all are here.
Q You were married under a Cherokee license? A Yes sir.
Q You have filed that already with the Commission? A Yes sir.
Q Were you ever married prior to your marriage to this woman? A No sir.
Q She is your first wife? A Yes sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q Then you are her first husband? A Yes sir.
Q At the time you say you and she were married, she was recognized as a Cherokee by blood? A Yes sir.
Q Was she on the Cherokee rolls? A Yes, on some of the rolls.
Q But since you and she were married she has elected to be enrolled as a Creek? A Yes sir.
Q Have you and your wife Anna C. lived together since your marriage up to the present time? A Yes sir.
Q You were living together on the first day of September, 1902? as man and wife? A Yes sir.
Q You and she have never been separated since your marriage? A No.
Q You have lived in the Indian Territory all the time since your marriage to your wife Anna up to the present time? A Yes sir.

Examination by Mr. Starr-Cherokee representative.

- Q Have you lived in the Cherokee nation since your marriage to your wife Anna up to the present time? A No sir.
Q You never did live in the Cherokee nation, did you? A No, we have a place there; but don't live there.
Q You lived in the Creek nation, didn't you? A Yes, Checotah is where I have been practicing.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this ~~October~~ 27, 1902

W. B. Jones
Notary Public.

Cherokee D-1242.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of C. Howard Davis
for enrollment as a citizen by intermarriage of the Cherokee Nation.

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DECISION.

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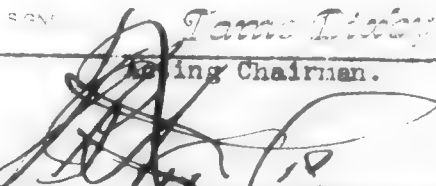
The record in this case shows that on October 14, 1901, C. Howard Davis appeared before the Commission at Vinita, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902, and on October 27, 1902.

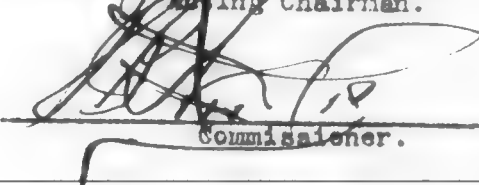
The evidence shows that C. Howard Davis, a white man, was married under a Cherokee license and in compliance with the laws of the Cherokee Nation, on July 31, 1895, to Anna C. Scott, who was re-admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on December 1, 1886, and who is identified upon the Strip Payment Roll of 1894 of said Nation as a native Cherokee.


The evidence further shows that the said C. Howard Davis has resided in the Indian Territory with his said wife, Anna C. Davis, nee Scott, since the date of said marriage continuously, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that the said C. Howard Davis should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SON


Sitting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 1 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF C. HOWARD DAVIS FOR EN-
ROLLMENT AS A CITIZEN OF THE CHEROKEE NATION BY INTERMARRIAGE.

D--242

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case on January 12th., 1903, and asks that the same be forwarded to the Secretary of the Interior for review, together with the brief heretofore filed on the part of the Cherokee Nation.

The attention of the Department is specially called to this case because the Cherokee Nation is most earnest in its disagreement with the decision of the Commission.

It will be noted that the wife of the applicant is a Creek citizen, and for that matter she has always been a Creek citizen, although her name has been carried upon both the Cherokee and Creek rolls. But that does not contradict our argument that she was a Creek citizen all the while, and if that be true, she was never a Cherokee citizen, and therefore, the applicant never acquired any rights by intermarriage in the Cherokee Nation, although he may have married her in accordance with Cherokee law.

Suppose a white man in the States were to marry a white woman, not a citizen of the Cherokee Nation, in accordance with Cherokee law, that would not entitle him to rights by intermarriage in the Cherokee Nation. This identical question was presented to the United States Court in 1896 in the Will E. Linton case. His wife was a Creek citizen, as the applicant's wife claimed to have Cherokee blood, both were admitted in the Cherokee Nation by a Cherokee Commission having jurisdiction. Both lived in the Creek Nation, Indian Territory. Both Will E. Linton and C. Howard Davis were married in accordance with Cherokee law, having secured a Cherokee marriage license. Will E. Linton applied to the Commission in 1896 under the Act of June 10th., for citizenship by intermarriage in the Cherokee Nation, and his case was appealed to the United States Court, where Judge Springer held that:

"The appeal is affirmed with this modification; If Pauline B. Linton elects to be enrolled as a citizen of the Cherokee Nation, she, her husband and children, will be enrolled as citizens of the Cherokee Nation. If she elects to be enrolled as a citizen of the Creek Nation, she and her children will be enrolled as citizens of the Creek Nation, and her husband will not be enrolled as a citizen of the Creek or Cherokee Nation".

In this case the wife of C. Howard Davis elected to be enrolled as a citizen of the Creek Nation, and we submit that under this that the applicant should not be enrolled as a citizen of the Cherokee Nation.

Strange it is that although this decision was referred to in our brief before the Commission, no reference is made thereto, although decisions against the Cherokee Nation on questions of citizenship are always cited by the Commission, as in the case where a

D--242--Page 2.

white woman married her Cherokee husband prior to the husband's re-admission.

See the case of Kate Craig, D--484,

wherein reference is made to two decisions of the Supreme Court of the Cherokee Nation in citizenship cases, viz; Rogers and Dawson cases, and these precedents were held to be binding upon the Commission. Now, if a decision of a Cherokee Supreme Court is binding upon the Commission, why is not a decision of a United States Court, specially authorized by the Act of June 10th., 1896, binding upon the Commission?

This man acquired his rights, if he had any, through his wife. She elected to take her allotment in the Creek Nation, and we submit that his rights, if any, must follow hers, and that he should not be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

W W Hastings
- Attorney for the Cherokee Nation. -

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MAN

101347

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COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1242

Muskogee, Indian Territory, March 3, 1902.

PLEASE ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mr. C. Howard Davis,

Chacotah, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

on March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to Mellette & Smith,
Vinita, I.T. Yours truly,
Register.

Acting Chairman.
Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1242

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 12, 1903.

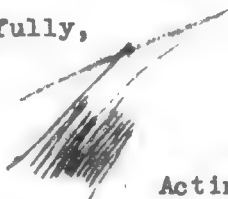
W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting the application of C. Howard Davis for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof, in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-221

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

~~March 1, 1903~~

Vinita, Indian Territory, January 19th., 1903.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

Enclosed herewith find Protest of the Cherokee Nation against the Commission's decision in the matter of the application of C. Howard Davis for enrollment as a citizen of the Cherokee Nation by inter-marriage, Cher. D-242.

Yours truly,

Vinita, Indian Territory, January 27, 1903.

Commission to the five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of January 24, directing that jackets and records in the following Cherokee cases be forwarded to the office at Muskogee:

Cherokee D 84, Magnolia Wilson, et al.
Cherokee D- 518, Martha E. Conner.
Cherokee D- 419, Samuel Frazier, et al.
Cherokee D-1242, C. Howard Davis.

These jackets and records are enclosed herewith.

Respectfully,

Clerk in Charge.

Encl. P-10.

RP

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1242

ALLISON L. AYLESWORTH
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of C. Howard David for enrollment as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission, dated January 12, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated January 19, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

COPY.

Cherokee D-1242

Muskogee, Indian Territory, January 30, 1903.

C. Howard Davis,

Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and approval. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Enc. M-157

Register.

Wm. C. Sullivan

Acting Chairman.

COPY

Cherokee D-1242

Muskogee, Indian Territory, January 30, 1903.

Edgar Smith,

Attorney for C. Howard Davis,

Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of C. Howard Davis for enrollment as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated January 12, 1903, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and approval. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Jame D. Doby.

Enc. K-2157

Register.

Acting Chairman.

Cherokee D-1242

Muskogee, Indian Territory, January 30, 1903.

The Honorable,

The Secretary of the Interior.

81r:

There is herewith transmitted the record of proceedings had in the matter of the application of C. Howard Davis for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 12, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tame Dixie.

Acting Chairman.

Enc. M-3157

Land

(COPY)

7706-1903.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON.

Feb. 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report for the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 30, 1903, forwarding for the Department's consideration, the record relative to the application of C. Howard Davis, for enrollment as an intermarried citizen of the Cherokee Nation. The attorney for the applicant and the attorney for the Cherokee Nation file briefs and arguments in the case.

January 12, 1903, the Commission held that C. Howard Davis should be enrolled as a citizen by intermarriage. The Cherokee Nation by its attorney protests against the decision of the Commission, and quotes from the opinion of the United States Court for the Northern District of the Indian Territory, Judge William M. Springer presiding, in the Linton case as follows:

The appeal is affirmed with this modification; if Pauline B. Linton elects to be enrolled as a citizen of the Cherokee Nation, she, her husband and children, will be enrolled as citizens of the Cherokee Nation. If she elects to be enrolled as a citizen of the Creek Nation, she and her children will be enrolled as citizens of the Creek Nation, and her husband will not be enrolled as a citizen of the Creek or Cherokee Nation.

The record in this case shows that the applicant is a white man; that he married in accordance with the provisions of the laws of the Cherokee Nation Anna C. Scott, a citizen of the Cherokee Nation on July 31, 1895. Anna C. Scott had been

readmitted to citizenship in that Nation on December 1, 1886, and her name appears on the Strip payment roll of 1894. The record further shows that the applicant and his wife have resided in the Indian Territory continuously since the date of their marriage. Anna C. Davis, nee Scott, has heretofore been recognized as a citizen of both the Cherokee and Creek Nations. She elected to be enrolled as a citizen of the Creek Nation. In 1896 at the time the Court for the Northern District of the Indian Territory decided the Linton case there was not, so far as this office knows, any provision of law which authorized a citizen having rights in two or more nations to elect in which nation he would take such rights. The Act of June 28, 1896 authorizes citizens so situated to elect in which nation they will take their rights. the wife of this applicant has elected to take her allotment in the Creek Nation.

In view of the foregoing, the office is of the opinion that the decision of the Commission declaring that C. Howard Davis is entitled to enrollment as a citizen by intermarriage of the Cherokee Nation is correct, and its approval is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

G.A.W.(E.)

D.C.52914-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FHE.

I.T.D.1434-1903.

November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the decision of the Commission to the Five Civilized Tribes of January 12, 1902, in favor of C. Howard Davis, applicant for enrolment as a citizen by intermarriage of the Cherokee Nation, is reversed.

A copy of Indian Office letter of February 10, 1903 (Land 7706), submitting the papers, is inclosed. The papers have been returned to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 1242.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting the application for the enrollment of C. Howard Davis as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-8.
S.W.

Commissioner.

Cherokee
D 1242.

Muskogee, Indian Territory, December 12, 1906.

Edgar Smith,

Attorney for C. Howard Davis,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting the application for the enrollment of C. Howard Davis as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.W-7.
S.W.

Commissioner.

Cherokee
D 1242.

Muskogee, Indian Territory, December 13, 1906.

C. Howard Davis,
Checotah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 28, 1906.

Respectfully,

S.W.

Commissioner.

Cherokee
D 1242.

Muskogee, Indian Territory, December 13, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 12, 1903, granting the application for the enrollment of C. Howard Davis as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-8.
S.W.

Commissioner.

"g"

Chen 10/242.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 16 1901



ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. H. J. Oct 16-1901

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of
(O. J. Howard Davis) for enrollment as a
citizens of the Cherokee Nation.

No. (Ch. 1242)

Mellett Smith
Attorney for applicant,

10

Chen W 1242

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE PUBLIC LANDS

FILED

OCT 16 1901

ACTING CHAIRMAN

SERIES B.

Act of November 5th 1892

NO

CHEROKEE NATION,

Carroll

District.

Permission is hereby granted

Howard Davis

a citizen

of the CHEROKEE NATION, to employ

L. W. Thompson

as

Home

for the term of THREE MONTHS from this date.

\$1.50

"No permit shall be issued for a longer period than Dec. 31,
of the year in which the permit is issued."

Given under my hand and seal of office, this the *2* day of *Aug* 189*1*

CLERK

L. J. J. J. J.
Carroll

DISTRICT.

Countersigned

TREASURER CHEROKEE NATION.

SERIES B.

Act of November 5th 1892

NO

CHEROKEE NATION,

Carroll

District,

Permission is hereby granted

Robert Davis

a citizen

of the CHEROKEE NATION, to employ

100 hours

as

for

for the term of THREE MONTHS from this date.

"No permit shall be issued for a longer period than Dec. 31,
of the year in which the permit is issued."

\$1.50

Given under my hand and seal of office, this the

2

day of

Aug 189*1*

CLERK

W. J. Davis

DISTRICT.

Countersigned:

E. E. Turner

TREASURER CHEROKEE NATION.

Cher D 1243

Cher D 1243

When the Commission began its work, it was not known whether the Commission would be able to complete its work within the time allotted.

It was not until the Commission had completed its work that it was known that the Commission had been able to complete its work within the time allotted.

The Commission was able to complete its work within the time allotted. The Commission was able to complete its work within the time allotted. The Commission was able to complete its work within the time allotted.

Commission

The Commission was able to complete its work within the time allotted. The Commission was able to complete its work within the time allotted. The Commission was able to complete its work within the time allotted.

Commission

Commission

1001

1001

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 22, 1901.

In the matter of the application of George M. Price for the enrollment of himself and two children as Cherokee citizens by blood and for the enrollment of his wife as an intermarried Cherokee— He being first duly sworn by the Commission testified as follows:

- Q What is your name? A George M. Price.
Q How old are you? A I was born in '53.
Q Makes you 49? A Yes sir.
Q What is your post office address? A Celagah
Q Do you apply for the enrollment of yourself as a Cherokee by blood? A Yes sir.
Q Do you apply for the enrollment of anyone besides yourself? A My wife and two children.
Q What is the name of your wife? A Eliza Jane Price.
Q How old is she? A She is about 34.
Q Is she living? A Yes sir.
Q What is the name of your oldest child? A William.
Q How old is William? A He was born in 1894.
Q Seven years old? A Yes sir.
Q What is the name of the next living child? A Henry Lee.
Q How old is he? A Two years old next June.
Q Is that all, just these two children? A Yes sir.
Q Are they both living and living with you at this time? A Yes sir,
Q What is your father's name? A Looney Price.
Q Living or dead? A Dead.
Q Was he a Cherokee? A Yes sir.
Q What is your mother's name? A Letitia Goodey.
Q Is she living? A Yes sir.
Q Is she a Cherokee or a white woman? A Cherokee.
Q Where were you born? A Near Tahlequah.
Q In the Cherokee Nation? A Yes sir.
Q Have you always made your home in the Cherokee Nation? A No sir, I was re-admitted in 1891.
Q When did you leave the Cherokee Nation? A I believe my father left the Nation in the year of '54.
Q And you didn't come back until '91? A No sir.
Q Have you lived here continuously since that time? A Yes sir.
Q Living in the Cherokee Nation at the present time? A Yes sir.
Q Have you been out of the Cherokee Nation within the past three years? A No sir.
Q What degree of Cherokee blood do you claim? A My father and mother claim to be one eighth.
Q What is the name of your wife's father? A Reach.
Q Full name? A I don't know.
Q Living or dead? A Dead.
Q What was he, white man or a Cherokee? A White man.
Q What is the name of her mother? A Reach.
Q Full name? A I don't know.
Q Is she living? A Yes sir.
Q Was she a white woman or a Cherokee? A White.
Q Your wife claims as an intermarried citizen? A Yes sir.
Q When were you married to your wife? A In '94.
Q Have you any evidence of your marriage? A Yes sir.
Q Let me have it please. A (Hands Commission some papers)

There is offered in evidence a certificate from D. O. Price, Mayor of the town of Elk Celagah, stating that in the year 1894 he performed the ceremony of marriage between George M. Price and Mrs. Jane Vinard. The certificate has not been recorded.

- Q Did you procure a marriage license? A No sir, LeFay wouldn't issue it.

- Q Why? A Because he said it wasn't necessary.
Q That is the only paper you have? A Yes sir, there is the man that gave it to me.
Q Is that the man that married you? A Yes sir.

This document will be filed.

BY MR. J. L. BAUGH, Cherokee representative: The Cherokee Nation objects to the certificate of marriage presented as it does not comply with the law under which the marriage was performed at the time.

(By the Commission)

- Q Was your wife married before she married you? A Yes sir.
Q What was your wife's former husband's name? A Jim Vinyard.
Q Is he living? A Yes sir.
Q Was your wife ever divorced from him? A Yes sir.
Q Have you any evidence of your wife's divorce? A Yes sir I have a decree.

The applicant presents a copy of a decree of divorce between Eliza J. Vinyard and James F. Vinyard. The same is returned to the applicant and he will be required to file with the Commission a certified copy of the decree in said divorce proceedings.

- Q Were you married before you married your present wife? A No sir.
Q You and your wife are living together at the present time are you?
A Yes sir.
Q You continued to live together ever since your marriage in '94
A Yes sir.
Q Have you any evidence of your admission to citizenship in the Cherokee Nation? A Yes sir.

There is offered in evidence a certificate of admission to Cherokee citizenship signed by J. T. Adair, Chairman Commission on citizenship, attested by Connell Rogers Clerk of Commission on Citizenship and endorsed by J. B. Hayes Principal Chief of the Cherokee Nation, admitting to citizenship one George Price on the 27th of June 1888. The document bears the seal of the Cherokee Nation and will be filed herewith.

- Q Does your name appear upon any of the tribal rolls of the Cherokee Nation? A I think so. I enrolled I think in 1894.
Q Were you enrolled in 1894? A Yes sir registered there at Oolagah in the hotel before Arch McCoy and old man Scrimpscher.

The 1896 census roll examined and the name of the applicant not found thereon.

- Q Did you draw your money in 1894? A No sir, I didn't.
Q Wasn't it paid to you? A No sir, I turned it over to Fox McKellop, I had bought some horses on the strip and turned it over to him.
Q Where did he draw this money for you? A At Claremore.
Q Why didn't you apply for enrollment when the Commission was at Claremore last year, or at Nowata? A I understood my name was not on the Nations rolls and I thought I had to get evidence, so I waited until I could get things fixed up.
Q Did you apply for enrollment in 1894? A I did.
Q Did you apply then for your wife and children? A Yes sir.
Q Did they refuse to enroll you? A No sir.
(By Mr. Baugh)
Q Where was you living in 1894? A At Oolagah.
Q How had you been living there continuously? A Ever since '94.
Q Where was you living in '94? A There in Oolagah.
(By the Commission)
Q This child William was living in '94? A Yes sir.

Q Did you draw for him? A No sir.
 Q Why didn't you draw for this child? A That was before I was married.
 Q The payment was in '94 and you say this child is seven years old; do you remember what time in '94 you drew this money in Claremore?
 A No sir.
 Q Was it in the fall or spring? A I don't know.
 (By Baugh)
 Q Where was you living when you were admitted to citizenship? A Texas.
 Q Did you remove her immediately? A In a couple of years.
 Q When did you go back to Texas after you come here hat time? A Never did go back, never went anywhere except to Coffeyville on a business trip.

B. O. PRICE being first duly sworn by the Commission testified as follows on the part of the ~~then~~ applicant:

Q What is your name? A B. O. Price.
 Q How old are you? A 57.
 Q What is your post office address? A Oolagah.
 Q Are you acquainted with the applicant? A Yes sir.
 Q Are you related in any way? A Brothers.
 Q Are you acquainted with his wife, Eliza? A Yes sir.
 Q Do you know when they were married? A They were married in '94, in July.
 Q By whom? A By myself.
 Q Were you authorized to perform marriages at hat time? A I was the Mayor of the town and was informed that I was so authorized.
 Q What town were you Mayor of at that time? A Oolagah.
 Q They were never re-married after you performed the marriage? A Not that I know of.
 Q Have they been living together continuously since that time? A They have.
 (By Baugh)
 Q Under what law were you acting as Mayor of Oolagah? A Under the Cherokee law.
 Q Did the Cherokee law authorize Mayors to perform ceremonies of marriage? A I supposed so; he applied to the Clerk for a license and he told him it was not necessary for him to marry that way; said that the Mayors could marry and so he came and told me hat and I married him; I married some other parties that way too.

APPLICANT re-called by the Commission:

Q Has Willie, a middle name? A Yes sir, Sherey.

BY THE COMMISSION: George E. Price applies for the enrollment of himself and as a Cherokee by blood; for his wife Eliza as a Cherokee by intermarriage, and for the enrollment of his two minor children, William and Henry Lee, as Cherokees by blood. He is not identified on any of the tribal rolls now in the possession of the Commission. He presents satisfactory proof as to his admission to citizenship in the Cherokee Nation by the Commission on citizenship on the 27th of June 1888. He avers that he has lived continuously in the Cherokee Nation ever since 1891, and is living here at the present time. He presents a certificate from the Mayor of Oolagah, Indian Territory, showing that he was married in the year 1894. It appears from his testimony that his wife was previously married to one Jim Vinyard, and that she was divorced from him. It will be necessary for the applicant to file satisfactory proof as to said divorce. His two children are not identified on any of the tribal rolls in the possession of the Commission at this time. For the reason that neither the applicant, his wife or their two children are identified on any of the rolls, he and his two children will be listed as Cherokees by blood and his wife as a Cherokee by intermarriage on a doubtful card. It will be necessary for him to file proof of the birth of his two children their

names not appearing on the rolls. When the Commission reach a final decision in the case, the applicant will be notified thereof at his post office address.

BY MR. BAUGH: Reference is called to Section 200 of article 21 of the Compiled Laws of the Cherokee Nation.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that he foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise
Subscribed and sworn to before me this 20th of October, 1901.



Commissioner.

THE SECRETARY
OF THE INTERIOR
WASHINGTON, D. C.
JANUARY 12, 1902

TO THE CHIEF OF BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.

RE: APPLICATION FOR
LAND IN THE
COUNTY OF
STATE OF
JANUARY 12, 1902

COMMISSIONER OF THE INTERIOR
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

ACTING CHAIRMAN

CD 1243

THE SECRETARY OF THE INTERIOR
WASHINGTON, D. C.

Sup 1.-C.D.#1243.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of GEORGE M.
PRICE, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney the case is deemed completed and will be ~~listed for enrollment~~ reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly redorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES
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CHIEF CHAIRMAN

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Supl.-C.D.#1243.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of GEORGE M. PRICE, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902. The applicant this day, to-wit: the 22d day of March, 1902, appears in person and by his Attorney, J. M. LaHay.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission of Mr. LaHay: Is there any statement you desire to make?

Mr. LaHay: I wish to submit a decree of divorce granted by the United States Court of the First Judicial Division Indian Territory held at Muskogee, on the 29th day of June, 1894.

Commission: The same will be filed and made a part of the record.

Mr. LaHay: And also a birth certificate of the birth of William Shory Price.

Commission: The same will be filed and made part of the record.

Commission: The attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

James O. Carr, being first duly sworn, states that as stenographer to the Commission on the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 11th day of October 1902.

Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 30th, 1902.

In the matter of the application of George M. Price for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife Eliza J. Price as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his children William S. and Henry L. Price as citizen by blood of the Cherokee Nation.

Supplemental to D-1243.

Appearances:

D. C. Price for Applicant.
J. C. Starr for Cherokee Nation.

D. C. PRICE, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name, please? A. D. C. Price.
Q. What is your age and post office? A. 58 years; Oolagah, Indian Territory.
Q. Are you acquainted with Eliza J. Price, who is an applicant before this Commission as an intermarried citizen? A. Yes, sir.
Q. What is her husband's name? A. George M. Price.
Q. Is he a citizen by blood? A. Yes, sir.
Q. When were Eliza J. and George M. married? A. They were married in 1894.
Q. Was he ever married before he was married to Eliza J?
A. No, sir.
Q. Was she ever married prior to her marriage to him?
A. Yes, sir.
Q. How many times? A. Once.
Q. Was her first husband living or dead when she married George M. Price? A. Living.
Q. Was she divorced from him? A. Yes, sir.
Q. Has Eliza J. and George M. Price lived together from the time they were married until the present time? A. Yes, sir.
Q. Living together on the first of September, 1902?
A. Yes, sir.
Q. Never been separated? A. No, sir; never been separated.
Q. Has she married any other man since she married George M. Price?
A. No, sir.
Q. How long has George M. Price lived in the territory?
A. He has lived in the territory for the last 10 or 11 years.
Q. She has lived with him--- A. Not with him that long.
Q. I know, but has she lived with him since she was married to him?
A. Yes, sir.
Q. Is George M. Price, his wife and two children William S. and Henry L. alive at this time? A. Yes, sir.
Q. These children have always lived in the Cherokee Nation have they? A. Yes, sir; they were living Sunday when I left.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of October 1902.

B. C. Jones
Notary Public.

James O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this first day of December, 1902.

Wm. C. Carr
Notary Public.

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RECEIVED

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 24th, 1902.

In the matter of the application of George M. Price for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Eliza J. Price, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, William S. and Henry L. Price, as citizens by blood of the Cherokee Nation.

Supplemental to D-1243.

Cherokee Nation appears by J. C. Starr.

GEORGE M. PRICE, being duly sworn, testified as follows:

Examination by the Commission.

- Q. State your name, age and post office address?
A. George M. Price; Oolagah, I. T., 49.
Q. You are the husband of Eliza J. Price? A. Yes, sir.
Q. You claim to be a citizen by blood of the Cherokee Nation?
A. Yes, sir.
Q. Eliza J. Price is a citizen by intermarriage? A. Yes, sir.
Q. Were you ever admitted to citizenship in the Cherokee Nation?
A. Yes, sir.
Q. When? A. In '91, I think.
Q. Are you sure as to the date? A. Yes, sir; it was in '91. Well, lets see. It was '91 when I come here. I made a mistake. I come in '91 and I think that was in '86 or '88.
Q. Since that time have you resided in the Cherokee Nation?
A. Yes, sir.
Q. Have you been recognized by the tribal authorities of the Cherokee Nation as a citizen since that time? A. Yes, sir.
Q. In what manner? A. Well, I was admitted through the council.
Q. After your admission were you recognized as a citizen?
A. I was recognized as a citizen.
Q. By what acts? Did you ever participate in any payments?
A. Yes, sir; in 1894, the strip payment.
Q. That is the only time? A. No, the old settlers payment.
Q. I mean a payment that was made to the citizens. The old settlers wasn't----- A. I drew the strip payment.
Q. What district were you living in at that time? A. I lived up here at Oolagah, same place.
Q. How many children did you have at that time, in 1894? A. Didn't have any, as I remember. I was married in 1894.
Q. Now, are you sure this money wasn't paid you by special act of the council?
A. Well, it was paid to my agent, a fellow named Wettuck. I bought a span of horses from a man named Perrine. He was working in the drug store. He asked me to give him an order for the money and if I was willing to let this man draw it. This Mr. Wettuck, he said, he was right smart in that way, to let him draw it. He said he would draw the money and pay me the balance.
Q. How much, do you remember, you paid him for this stock?
A. \$207.
Q. What became of the money due from this payment in 1894?
A. I paid part to this man McCaleb here.
Q. Was some of it paid to you in your hands? A. Yes, sir.
Q. Did you participate in the payment made by the authorities in 1890? A. I did of the old settlers payment.
Q. That wasn't the old settlers payment? A. No, I didn't.

Q. The time they paid thirteen dollars and some odd cents.
A. No, sir; I didn't go.
Q. Why not? A. I can't say why.
Q. Did you apply for it? A. No, sir; I never applied for it.
Q. Did you apply to the tribal authorities of the Cherokee Nation for enrollment in 1896? A. Yes, sir.
Q. Did they enroll you? A. They did.
Q. On what roll? A. On the '96 roll.
Q. What district? A. Cooweescoowee.
Q. Were you ever advised afterwards that your name was stricken from that roll? A. I never was. I don't know why it was it couldn't be found.
Q. You registered for your wife? A. Yes, sir; wife and children. This man Jakk Lipe was my witness.
Q. You are certain you were living in Cooweescoowee district when your money was paid? A. Yes, sir; living right where I am now, Oolagah.
Q. Do you know who it was paid to? A. Paid to Wettuck, I suppose. It is on the roll. When they asked me, when I enrolled, who drew the money I said McCaleb. I forgot about this other but my brother was there and he rectified the mistake.
Q. How was this money paid in 1894, in cash or by check?
A. Well, I didn't draw it at all. I drew the money through this man right here. He received the remainder and brought it to me.

ADDISON S. MCCALED, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Addison S. McCaleb.
Q. How old are you? A. I am about 41 years, I think.
Q. Where do you live? A. I live at Lenapah, I. T.
Q. Are you acquainted with the applicant in this case, George M. Price? A. Yes, sir.
Q. How long have you known him? A. Why, it was '93; I believe '93, I got acquainted with him.
Q. Where was he living when the strip payment was made? A. He was living at Oolagah.
Q. Were you connected with him in any manner at that time, in any transaction? A. Yes, sir. There was a young man work for he, he had some horses he wanted to sell and he sold them to Mr. Price.
Q. What was the young man's name? A. Perrine. He sold Mr. Price the horses and he asked him--Mr. Price--is he was willing to give me an order to draw the money.
Q. You mean that was due on the strip payment? A. Yes, sir.
Q. Did he give you an order? A. I don't recollect whether he gave me the order but the agreement was that I was to draw the payment and it seems to me I turned it over to Wettuck, the cashier of the first national bank at Coffeyville.
Q. What is the name? A. J. W. Wettuck. My recollect is that I turned Mr. Price's payment over to him.
Q. To Wettuck? A. To Wettuck. I know afterwards I drew some money but I don't think I got Mr. Price's.
Q. What became of the money? A. I got the money but I don't recollect whether the Cherokee authorities paid it to me or whether Wettuck did. I paid Mr. Perrine and paid the rest over to Mr. Price. I don't recollect whether I drew the money from the Cherokee authorities or Mr. Wettuck. I paid it over to him.
Q. Do you know of your own knowledge that Mr. Price received his share of the strip money? A. Yes, sir.
Q. You know that of your own knowledge? A. Yes, sir.

Q. You know you received \$265.70 or this Wettuck did, to whom you think you gave Price's order? A. Yes, sir; one did. I am not positive which it was.

The applicant is identified on the strip payment roll of 1894, page 276, #3443, Cooweescoowee district. It appears that Mr. Price was paid the sum of \$265.70 and that the money was paid to one J. W. Wettuck and that the payment was witnessed by one Henry Riffert.

GEORGE M. PRICE, being recalled, testified as follows:

Examination by the Commission.

Q. Mr. Price, how long have you lived in the Cherokee Nation?

A. I come here in '91.

Q. Three years after your admission? A. Somewhere along there. I was here before.

Q. Have you continued to live in the Cherokee Nation continuously since that time? A. Yes, sir.

Q. Has your wife always lived with you since that time?

A. Yes, sir; always lived together.

Q. Living together at the present time, are you? A. Yes, sir.

Q. You have never made your home outside of the nation?

A. Never have.

Q. You were living together as man and wife on the first of September, 1902. A. Yes, sir.

BY MR. STARR:

Q. Ever been out of the nation for any purpose? A. Well, I went to Coffeyville one day and came back the same day.

Q. Never been out to make your home? A. No, sir.

BY THE COMMISSION:

Q. You are positive you applied to the tribal authorities in 1896 for enrollment? A. Yes, sir. It was in a hotel at Oolagah, to Arch McCoy. And Jack Lipe was my witness. But he was taken sick and died before I went before the Commission.

BY MR. STARR:

Q. Did you apply to the Dawes Commission in 1896, when the Dawes Commission was at Vinita. Did you make application to them?

A. My business has become considerably entangled about a year ago. I have no records.

BY THE COMMISSION:

Q. Don't know whether you made application to this Commission in 1896? A. It appears to me that I did.

Q. Who was your attorney? A. Well, lets see. That '96 roll----

Q. I am not talking about the '96 roll. I am talking about this Commission. Did you appear before the Commission?

A. Yes, sir. I went to see Joe LaHay then, I think I got him in 1896, as well as I remember.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this first day of December, 1902.

R. R. Renter
Notary Public.

8/9/02

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George M. Price for the enrollment of himself and minor children, William S. Price and Henry L. Price, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Eliza J. Price, as a citizen by intermarriage of said Nation.

D E C I S I O N.

The record in this case shows that on October 22, 1901, George M. Price appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and minor children, William S. Price and Henry L. Price, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Eliza J. Price, as a citizen by intermarriage of said Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, September 30, and October 24, 1902.

The evidence shows that the said George M. Price was born in the Cherokee Nation in 1852 and lived there until 1854, when he removed to Texas; that on June 27, 1888, he was re-admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation; and that he is identified on the 1894 Strip payment roll of said Nation. The said children, William S. and Henry L. Price, do not appear on any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

It further appears that George M. Price was lawfully married in July, 1894, to one Eliza J. Vineyard, a white woman, and that the said minor children are the issue of such marriage. It also appears that his said wife had been previously married to one James F. Vineyard, but was divorced from him prior to her marriage to the applicant George M. Price.

The evidence further shows that the said George M. Price in 1891 returned to the Cherokee Nation, where he has since resided, up to and including the date of the application herein, and that he and his said wife have resided together continuously from the date of their said marriage, up to and including September 1, 1902. The residence of the said minor children has been in the Cherokee Nation since their birth.

It is, therefore, the opinion of this Commission that the said George M. Price, William S. Price and Henry L. Price should be enrolled as citizens by blood of the Cherokee Nation, and that

Ch. D-1243---2.

Eliza J. Price should be enrolled as a citizen by intermarriage of said Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 2 1903

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALFRED C. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1243

Muskogee, Indian Territory, March 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of George M. Price for the enrollment of himself and his minor children, William S. and Henry L. Price, as citizens by blood, and for the enrollment of his wife, Eliza J. Price, as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-6167

George M. Price et al

FOR LANDS IN THE STATE OF TEXAS

Original testimony.

Memorandum of application (Oct. 22, 1901)

Certification of the administrator.

Marriage certificate.

Birth certificate, Henry Lee Price.

Notice of final consideration, 3/27/02.

Certified copy of decree of divorce.

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Cher D 1244

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

ACCUING CHAIRMAN

1244

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 33rd, 1901.

In the matter of the application of Polly Snake Wolfe for the enrollment of herself, husband and one child as Cherokee citizens by blood. She being first duly sworn by Commissioner C. R. Breckinridge, testified as follows: (Simon R. Walkingstick as interpreter)

- Q Give me your full name? A Polly Snake Wolfe.
Q How old are you? A About 17.
Q What district do you live in? A Delaware.
Q What is your postoffice? A Bitches.
Q Who is it you want to apply for besides yourself? A My husband and one child.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A Josin or Josinna.
Q Is that all? A Yes sir.
Q Is he dead? A Yes sir he is dead.
Q How long has he been dead? A I dont know I dont remember seeing him.
Q Was your father a full blood Cherokee? A Yes sir.
Q Give me the name of your mother? A Ahney.
Q Just Ahney, that all? A Yes sir.
Q Is she dead? A Yes sir.
Q How long has she been dead? (No answer.)
Q Do you remember your mother? A Yes sir.
Q Did she die when you were a child? A Yes sir.
Q Was your mother a full blood Cherokee? A Yes sir.
Q Then you claim to be a full blood Cherokee yourself? A Yes sir.
Q Give me the name of your husband? A Jackson Snake Wolf.
Q Did he used to be called Oo-lu-hi-ya-da Snake? A Yes sir.
Q How old is your husband? A I dont know, he is some few years older than I am.
Q Is he between 33 and 4? A Yes sir about that.
Q I understand he is 31 on the '96 roll, so we will put him down as 35. A All right.
Q Why dont he come here himself with you and apply? A He is sick and unable to come.
Q Has he lived in the Cherokee Nation all his life? A Yes sir.
Q Give me the name of his father? A Wolfe Snake.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A He has been dead some time.
Q Give me the name of your husband's mother? A Eve.
Q Eve Snake? A Yes sir.
Q Is she dead or alive? A She is alive.
Q Give me the name of your child for whom you want to apply? A Lila.
Q Lila Wolf, or Lila Snake Wolf? A Yes sir Lila Snake Wolf.
Q How old is this child—was this child born the 7th day of last February? A Yes sir.
Q Have you a certificate of the birth of this child? A No sir.
The 1880 roll examined and the name of the applicant's husband found thereon as follows: page 319 No 3469, Oo-lu-he-ate Snake, Delaware district, native Cherokee five years of age.
The 1880 roll examined for the applicant's father and mother and their names are found thereon as follows: page 272 No. 1387, Josinna, Delaware district;
Page 273, No. 1388, Anna Josinna, Delaware district.
Q What family were you living with before you got married—did you say you were called Polly Snake before you were married? A (No answer)
Q Did you draw the Cherokee stock money? A Yes sir.
Q What name did you draw it under? A Polly Josin.
The 1896 census roll examined for the applicant's husband and his name found thereon as follows: page 541, No. 3166, Oo-lu-lo-ate Snake, Delaware district.
Q How long have you and your husband been married? A (No answer)
Q Can't you tell me what your name was before you were married? A

- Q Did you ever live with a man named Benjamin or Benjamin when you were a child? (No answer)
 Q Were you ever married before you married your present husband? A No sir.
 Q Was he ever married before he married you? A No sir.

EVE SHAKS, being duly sworn by Gen'l O. R. Brockbridge, testified for the applicant as follows through Simon R. Wainwright as interpreter:

- Q What is your full name? A Eve Shaks.
 Q Are you a full blood Cherokee? A Yes sir.
 Q How old are you? A 50.
 Q Have you lived in the Cherokee Nation all your life? A Yes sir.
 Q Do you know this woman here, Polly Snake Wolf? A Yes sir, I was the mid wife when she was born.
 Q Have you known her ever since? A Yes sir.
 Q Is she married to Jackson Snake Wolf? A Yes sir.
 Q Has she ever been married before? A No sir.
 Q Do you know Jackson Snake Wolf? A Yes sir I raised him.
 Q Was he ever married before he married this woman? A No sir.
 Q Do you know what name this woman went by before she married Jackson Snake Wolf? A Polly Josin.
 Q Did she ever go by any other name besides Polly Josin? A No sir, that is the only name I know of.
 Q Do you know if she drew Strip money as Polly Josin? A Yes sir that is the name she drew under.

The name of Josin is not found on the 1886 or 1894 rolls. This woman is not on the 1880 roll as she is too young to be on that roll.

- Q Is this woman your daughter? A No sir.
 Q Is this woman's mother named Eve Shaks too, the same as yours? A No sir.
 Q Oh this woman's mother's name is Anna Shaks? A Yes sir.
 Q Is she living now? A No sir, she died during the strip payment.

BY COM'R BROCKBRIDGE: The applicant applies for the enrollment of herself, her husband and one minor child; the applicant is too young to be upon the roll of 1880, and there are only two names upon that roll of her maiden name, Josin, namely, her father and mother, as given in the testimony, and both are now dead. The applicant is not identified upon either the roll of 1894 or that of 1886, though very diligent search has been made, and also a diligent inquiry of the husbands in addition to that which appears in the testimony, to learn her maiden name, or at least some name by which she might have been known. It is shown by what is considered entirely reliable personal testimony that she drew her Cherokee Strip money; of course in that event she is on the 1894 roll under some name. She is evidently a full blood Cherokee as cannot speak English; she has lived in the Cherokee Nation all her life. Her change of name, arising from marriage, is established by satisfactory personal testimony, and no moral doubt is entertained whatever that she is upon the rolls under some form of name, but as indicated, it cannot be determined at this time. For the further consideration of her rights under the present testimony, and to await further evidence as to her identification on the rolls, although her deceased father and mother are both identified on the roll of 1880, she will be listed now for enrollment as Polly Snake Wolf and as a Cherokee by blood on a doubtful card.

As for her husband, Jackson Snake Wolf, who has is living and who is ill and unable to apply for himself, he has lived in the Cherokee Nation all his life; he is identified on the rolls

of 1880 and 1886; he is a full blood Cherokee and he will be listed now for enrollment as a Cherokee by blood.

As for the child Lila Snake Wolfe, born the 7th of last February, she is shown by the testimony to be the child of the applicant by her husband Jackson Snake Wolfe, born in Lawful wed-lock, and this child will now be listed for enrollment as a Cherokee by blood. The applicant is desired to supply the Commission with a certificate of its birth.

It is understood that the Census taker, Edward Washburn, who took the census in 1886 and who enrolled this applicant then, will be in Vinita to-morrow, and it is desired that he be brought before the Commission to assist in the determination of this woman's enrollment.

=====

Chas. von Weiss, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes taken.

Chas von Weiss

Subscribed and sworn to before me this 20th day of October, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Polly Snake Wolfe for enrollment as a citizen by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that, on October 23, 1901, Polly Snake Wolfe appeared before the Commission at Vinita, Indian Territory, and made personal application for her enrollment, among others, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Spavinaw, Indian Territory, April 30, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Polly Snake Wolfe is the daughter of Josinna and Anna Josinna, both full blood Cherokee Indians, who are duly identified upon the 1880 authenticated roll of the Cherokee Nation as native Cherokees. The said Polly Snake Wolfe is duly identified upon the 1896 Census roll of the Cherokee Nation as a native Cherokee.

The evidence further shows that the applicant was seventeen years of age at the date of this application and was born and has always resided in the Cherokee Nation up to and including the date of this application.

The evidence further shows that the said Polly Snake Wolfe is the wife of Jackson Snake Wolfe, a full blood Cherokee, who is duly identified upon the 1880 authenticated roll of the Cherokee Nation and upon the 1896 Census roll of said nation as a native Cherokee.

It is, therefore, the opinion of this Commission that Polly Snake Wolfe should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this DEC 10 1902

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-1244.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Polly Snake Wolfe for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-223.

IN THE MATTER OF THE APPLICATION OF

Polly Snake Wolfe

FOR ENJOYMENT OF AS

CED TO HER HEIR

Original testimony Oct 23, 01
Memo of application Oct 23, 01

See letter 'jacket no 257'

Cher D 1245

Cher D 1245

the Cherokee Nation, relating to his citizenship. The same will be filed with the papers in this case.

---10000000---

J.O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of this stenographic notes thereof.

(attested) J.O. Reason.

Subscribed and sworn to before me this October 28th, 1901.

(attested) T. Needles,

Commissioner.

W.T. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that same is a true and complete copy of the original transcript.

DEC 22 1901

U.S. DEPT. OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D.C.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D.C.

Subscribed and sworn to before me this December 10, 1901.

ACTING CHAIRMAN.

Commissioner.

File with Cherokee D-1245, Henry Taylor.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 24, 1900.

In the matter of the application of John R. Taylor for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q What is your full name? A John R. Taylor.
Q How old are you? A 53.
Q What is your post-office? A Oolagah.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll, yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A 7.
Q All of them under 21 years of age? A One is 21.
Com'r: He should apply for himself.
Q You have six ~~unmarried~~ under 21? A Yes sir.
Q These six are all unmarried? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Let me see your marriage license and certificate? A (Produces papers)
Q You have been married twice? A Yes, sir, to the same woman though.
Com'r: The applicant presents a license issued by the clerk of Cooweescoowee District April 28, 1894, authorizing marriage between himself and wife, and the certificate shows that they were united in marriage on the same date by the mayor of Oolagah; this is filed herewith.
Q Now you had previously been married to your wife under United States law? A Yes sir.
Q When? A On the 14th day of January, 1872.
Q You and your wife lived together ever since you were married to her in 1872? A Yes sir.
Q Have you lived with her in the Cherokee Nation ever since you were married to her in 1894 under the Cherokee law? A Yes sir, and a good many years before.
Q You are not on the roll of 1880? A No sir.
Q Neither is your wife? A No sir.
Q What is your wife's full name? A Caldonia C.
Q How old is your wife? A I think about 43.
Q How long has she lived in the Cherokee Nation? A About 11 years the last time.
Q You were admitted to citizenship by the Cherokee Council or Commission? A Yes sir, both of them.
Q Have you a certificate or any official evidence of the fact? A Yes sir. (Produces papers.)
Com'r: The applicant presents an official copy of an act of the Cherokee council approved November 28 1893 commanding that an error on the certificate of citizenship of Caldonia C. Taylor nee Mayfield, noting her as dead, be corrected, and that the record show she is now living, this is recognized as official evidence of her recognition by the Cherokee Council at the time stated; it is filed herewith. It further required that the name of John Mayfield who is stated as dead, be stricken from the record.
Q Now have you and your wife lived in the Cherokee Nation ever since 1893? A Yes sir.
Q Give me the names of your children? A Gussie Belle, she is 15 years old;
Q What is the name of the next child? A Delta Lee.
Q Now the next child? A Mattie.
Q How old is Mattie? A 7.
Q Next child? A Maggie.
Q How old is Maggie? A 4.
Q Next child? A George Dewey.
Q How old is he? A 2.
Q These children are all living are they? A Yes sir.

1896 roll page 327 No.1038 John R. Taylor, Cooweescookee, white;
1896 roll page 272 #4912 as Caldonia C. Taylor "
1896 roll page 272 #4914 Cussie B. Taylor "
1896 roll page 272 #4916 Delta L. Taylor "
1896 roll page 272 #4917 Jack Taylor "
1896 roll page 272 #4918 Mattie Taylor "
1896 rollpage 272 #4919 Maggie Taylor "

Q Were you ever married except to your present wife? A No sir.
Q Was she ever married except to you? A No sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and 6 children; he has presented an official copy of an act of the Cherokee Council approved November 28th, 1893, showing that a certificate of citizenship has been issued to his wife by the Commission on citizenship, and correcting an error stated in the act to have been in that certificate of citizenship; the applicant further shows by the license and certificate filed herewith that he was married to his Cherokee wife in accordance with Cherokee law in April, 1894; they have lived together ever since 1894, and prior thereto in the Cherokee Nation, and both the applicant and his Cherokee wife are identified on the roll of 1896; the children applied for are all minors at this time; ordinarily there would be no question of the existence of a certificate of citizenship which is certified to officially by action of the Council of the Cherokee Nation, but the name of the applicant wife does not appear upon the printed roll of persons admitted to citizenship in the possession of the Cherokee representatives present, and that allege that there is a possibility of error in the copy filed with this case of the act of the Cherokee Council; to await an official copy of the certificate of citizenship, claimed by the applicant for his wife, and referred to by the copy of the act of council filed herewith, the applicant himself will now be listed upon a doubtful card as a Cherokee by intermarriage; his wife as a Cherokee by blood, and all six of the children as Cherokees by blood, it being required of the applicant to supply the commission with a certificate of birth of the youngest child, George D. Taylor, who is too young to be upon any roll.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(signed) M.D.Green.

Subscribed and sworn to before me this 24 day of Oct. 1900.

(signed) C. R. Breckinridge
Commissioner.

M. R. Green
Supl. C. D. #687

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WINITA, I.T., OCTOBER 26th, 1901.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of John R. Taylor, et al, as Cherokee citizens.

Appearances:

Applicant present in person;
Mr. Hastings for Cherokee Nation.

Com'r Needles: This day comes the applicant and files with the Commission a certificate from the Assistant Executive Secretary's office of the Cherokee Nation, under the seal of

the Cherokee Nation, relating to his citizenship. The same will be filed with the papers in this case.

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J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O. Rosson.

Subscribed and sworn to before me this October 28th, 1901.

(signed) T.B. Needles,
Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that same is a true and complete copy of the original transcript.

M.D. Green

Subscribed and sworn to before me this December 10, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 26th, 1901.

In the matter of the application of Henry Taylor for enrollment as a Cherokee citizen; said Taylor being duly sworn and examined by Commissioner Needles, testified as follows:

- Q what is your name? A Henry Taylor.
Q What is your age, Mr. Taylor? A 25 years old.
Q what is your post office? A Oolagah.
Q what district do you live in? A Cooweescoowee district.
Q Do you apply to be listed for enrollment as a Cherokee?
A Yes, sir.
Q Who do you want to enroll besides yourself? A No one.
Q What is your father's name? A John R. Taylor.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Callie Taylor.
Q Is she living? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir, on the '96 roll.

1896 census roll of Cherokee citizens examined and name of applicant found thereon, page 272, #4913, Henry Taylor, Cooweescoowee district.

1880 Authenticated roll examined of citizens of the Cherokee Nation and name of applicant not found thereon.

- Q Where were you born? A Born in Arkansas.
Q How long have you lived in the Cherokee Nation? A I have lived here about 12 or 13 years?
Q Did you come here with your father? A Yes, sir.
Q And mother? A Yes, sir.
Q They were married in the State or Arkansas were they? A Yes, sir.

MR. HASTINGS: What part of Arkansas were you born? A I was born in Hot Springs.

- Q Did you come from Hot Springs here? A No, sir, went to Texas.
Q And from Texas here? A Yes, sir.
Q Have you been living here continuously for the last ten or 12 years? A Yes, sir.

Henry Taylor applies for the enrollment of himself. He avers that he is a son of John R. Taylor and Callie Taylor, who are listed for enrollment on D. Cherokee card #487. The testimony taken in the matter of the application of his father and mother on D687 will be made part of the record in the case at bar and a copy thereof will be filed herewith. Said Henry Taylor will be listed for enrollment as a Cherokee citizen upon a doubtful card.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 28th, 1901.

[Signature]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE SIXTY SIXTH TRIERS

THE

MAY 23 1962

ACTING CHAIRMAN

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Supl.-C.D.#1245.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of HENRY TAYLOR
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902. The applicant this day, to-wit: the 22d day of March, 1902, appears in person. Mr. W. W. Hastings, Cherokee Representative, present.

HENRY TAYLOR, being duly sworn, testified as follows:
COMMISSION:

- Q What is your name? A Henry Taylor.
Q What is your post office address? A Oolagah, Indian Territory.
Q You have heretofore applied to the Commission for the enrollment of yourself as a citizen of the Cherokee Nation? A Yes, sir.
Q Is there any further statement that you desire to make relative to your application? A No, sir.
Q You submit it to the Commission for final decision do you?
A Yes, sir.

The applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Taylor for enrollment as a citizen by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 26, 1901, Henry Taylor appeared before the Commission at Vinita, Indian Territory, and made personal application for his enrollment as a citizen by blood of the Cherokee Nation. It was ordered that the testimony, taken in the case of John R. Taylor et al., Cherokee card "D" 687, be filed with and made a part of this record. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The evidence shows that Henry Taylor is the son of John R. Taylor and Caldonia C. Taylor; that John R. Taylor was married to his wife, Caldonia C. Taylor, under United States law, on January 14, 1872, and that he was again married to her on April 28, 1894, under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation.

It further appears that, on October 3, 1887, there was pending before the Cherokee Commission on Citizenship, the application of Caldonia C. Taylor for admission to Cherokee citizenship but, before action was had on said application, she was reported dead and that the ancestor through whom she claimed citizenship was Susan Bracket. The evidence in her case was filed with the case of John Thomas Mayfield. It appears from the records of the Cherokee Nation in the possession of this Commission that John Thomas Mayfield was admitted to citizenship in the Cherokee Nation on September 6, 1889, by the Cherokee Commission of Citizenship, and that his ancestor, through whom he claimed citizenship, was Susan Bracket.


It further appears that by an act of the National Council of the Cherokee Nation, approved November 28, 1893, the record of the Commission on Citizenship in the case of Caldonia C. Taylor, above referred to, was corrected to show that she was living at the date of the passage of the act, and, while the act of the National Council above referred to, does not admit Caldonia C. Taylor to citizenship in the Cherokee Nation, it indicates that she was a recognized citizen at that time; that John R. Taylor and his wife, Caldonia C. Taylor, are identified upon the 1896 census roll of the Cherokee Nation and have resided in said nation since the year 1889.

The evidence further shows that Henry Taylor was twenty-three years of age at the date of this application and had resided in the Cherokee Nation since the year 1889 and up to and including the date of this application. He is duly identified upon the 1896 census roll of said nation.

Shawnee 2 1898

It is, therefore, the opinion of this Commission that Henry Taylor should be enrolled as a citizen by blood of the Shawnee Nation in accordance with the provisions of Section 24 of the Act of Congress approved June 22, 1906 (34 Stat., 426), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



SPECIAL AGENT.

COMMISSIONER.

C. L. Buchanan

SPECIAL AGENT.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1245.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

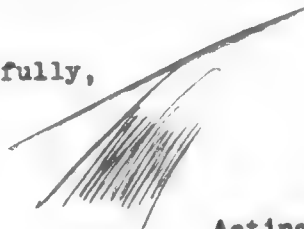
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Henry Taylor for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 18.

~~IN THE MATTER OF THE APPLICATION OF~~

~~Henry Taylor~~

~~CHEROKEE CITIZENS.~~

~~Original testimony 10/26/01~~

~~Memorandum of application 10/26/01~~

~~Testimony John R Taylor case 10/24/01~~

~~Notice of final consideration 3/22/02~~

~~Transferred to~~

~~Ch. 101.2~~

~~No 1211~~

~~See below for further information~~

Cher D 1246

Cher D 1246

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. ~~October~~ 26th 1901.

In the matter of the application of Nancy Masingale for enrollment as a Cherokee citizen; she being sworn by Commissioner T. B. Needles testified as follows:

- Q What is your name? A Nancy Masingale.
Q What is your age? A 26.
Q What is your post office address? A Pryor Creek.
Q Do you apply to be enrolled as a Cherokee by blood? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A Just myself.
Q Are you married? A Yes sir.
Q What is your husband's name? A J. M. Masingale.
Q Is he a citizen? A No sir.
Q What is your father's name? A Simon McKinnie.
Q He living? A Yes sir.
Q What is your mother's name? A Morning.
Q Is she living? A No sir.
Q Have you always been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Are you on any of the rolls? A Yes sir.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Live here now? A Yes sir I do now, I have been away a good deal on account of my health, I had to travel, but I am back now.
Q Where were you married? A In ~~Texas~~ the Choctaw Nation.
Q How long did you live in the Choctaw Nation? A Yes sir I lived there.
Q With your husband? A Yes sir.
Q Are you keeping house in the Cherokee Nation now? A Yes sir.
Q How long have you been in the Cherokee Nation this time? A Three months but just before that we were living just over the line in Kansas.
Q You lived with your father until you married did you? A No sir I was married once before, four years ago I went to Mexico.
Q When did you return to the Nation? A I lived in Kansas for the last two years.
Q When did you return to the Cherokee Nation this last time? A Two and a half months ago.
Q Have you been living here since then? A Yes sir.
Q Is this your home now? A Yes sir.
Q Where were you married the first time, in the Cherokee Nation? A Yes sir.
Q Then you went to Mexico? A No sir I have just been away from the Nation for the last four years.
Q Where did you live before the last four years? A In the Nation.
Q You lived then all your life in the Cherokee Nation up until four years ago? A During my widow-hood I was in the Choctaw Nation
(By W. W. Hastings, Cherokee representative)
Q Where were you born? A Fort Scott.
Q How old were you when you came down here first? A I don't remember I was very small.
Q Where were you living when you married the first time? A In the Cherokee Nation.
Q Near what town? A Eight miles north east of Chouteau.
Q When were you married first? A When I was 18.
Q How old are you now? A 26.
Q Then you married 8 years ago? A Yes sir.
Q How long did you live with your first husband? A Three years.
Q Did he die in the Cherokee Nation? A No sir in the Choctaw Nation.
Q Then you lived with him until six years ago? A Yes sir, ~~and~~
Q And at that time were in the Choctaw Nation? A Yes sir.
Q Then where did you go? A To Mexico.
Q You lived there how long? A Four years.
Q Then you came back to the Choctaw Nation and lived how long? A I came back to Kansas from Mexico.

- Q Then when did you come back here? A Two and a half months ago.
Q Then you have lived in Mexico and Kansas for the past six years with the exception of the past two and a half months? A Yes sir.
Q You have married again? A Yes sir.
Q Where is your husband now? A Stone City, Kansas.
Q Where did you marry him? A In the Osage Nation.
Q How long has he been in Kansas? A Little over a year.
Q You just apply for yourself? A Yes sir.
(By the Commission)
Q What business is your husband in? A Mining.
Q You are living with him now? A I was.
Q Are you separated from him? A No sir.
Q Then you are just here on a visit? A No sir, he is there in the mining business for Col. Stone and he will be here next week.
Q Are you going to move here? A Yes sir.
Q And keep house here? A Yes sir.

The 1880 roll examined and the name of the applicant found thereon as follows: page 145 No 2023, Nancy McKinsey, Coconino District.

- Q Did you draw strip money? A Yes sir.

- Q What was your name then? A Morris.

The 1894 roll examined and the name of the applicant found thereon as follows: page 341 No 2707, Nancy Morris, Coconino District.

BY COM'R NEEDLES: Nancy Masingale applies for herself; she avers that she is the child of Simon and Morning McKinzie; she is identified on the authenticated roll of 1880 as Nancy McKinzie; she cannot be identified on the census roll of 1896; she is identified on the pay roll of 1896 as Nancy Morris, Morris being the name of her former husband, the one she had at that time. She has since married one J. M. Masingale; she is duly identified, but does not make satisfactory proof as to her residence, consequently she will be listed at present as a Cherokee citizen by blood upon a doubtful card.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 8th of November, 1901.



Commissioner.

ON 10/10/50, 10/11/50, 10/12/50, 10/13/50, 10/14/50, 10/15/50, 10/16/50, 10/17/50, 10/18/50, 10/19/50, 10/20/50, 10/21/50, 10/22/50, 10/23/50, 10/24/50, 10/25/50, 10/26/50, 10/27/50, 10/28/50, 10/29/50, 10/30/50, 10/31/50, 11/1/50, 11/2/50, 11/3/50, 11/4/50, 11/5/50, 11/6/50, 11/7/50, 11/8/50, 11/9/50, 11/10/50, 11/11/50, 11/12/50, 11/13/50, 11/14/50, 11/15/50, 11/16/50, 11/17/50, 11/18/50, 11/19/50, 11/20/50, 11/21/50, 11/22/50, 11/23/50, 11/24/50, 11/25/50, 11/26/50, 11/27/50, 11/28/50, 11/29/50, 11/30/50, 12/1/50, 12/2/50, 12/3/50, 12/4/50, 12/5/50, 12/6/50, 12/7/50, 12/8/50, 12/9/50, 12/10/50, 12/11/50, 12/12/50, 12/13/50, 12/14/50, 12/15/50, 12/16/50, 12/17/50, 12/18/50, 12/19/50, 12/20/50, 12/21/50, 12/22/50, 12/23/50, 12/24/50, 12/25/50, 12/26/50, 12/27/50, 12/28/50, 12/29/50, 12/30/50, 12/31/50, 1/1/51, 1/2/51, 1/3/51, 1/4/51, 1/5/51, 1/6/51, 1/7/51, 1/8/51, 1/9/51, 1/10/51, 1/11/51, 1/12/51, 1/13/51, 1/14/51, 1/15/51, 1/16/51, 1/17/51, 1/18/51, 1/19/51, 1/20/51, 1/21/51, 1/22/51, 1/23/51, 1/24/51, 1/25/51, 1/26/51, 1/27/51, 1/28/51, 1/29/51, 1/30/51, 1/31/51, 2/1/51, 2/2/51, 2/3/51, 2/4/51, 2/5/51, 2/6/51, 2/7/51, 2/8/51, 2/9/51, 2/10/51, 2/11/51, 2/12/51, 2/13/51, 2/14/51, 2/15/51, 2/16/51, 2/17/51, 2/18/51, 2/19/51, 2/20/51, 2/21/51, 2/22/51, 2/23/51, 2/24/51, 2/25/51, 2/26/51, 2/27/51, 2/28/51, 2/29/51, 2/30/51, 3/1/51, 3/2/51, 3/3/51, 3/4/51, 3/5/51, 3/6/51, 3/7/51, 3/8/51, 3/9/51, 3/10/51, 3/11/51, 3/12/51, 3/13/51, 3/14/51, 3/15/51, 3/16/51, 3/17/51, 3/18/51, 3/19/51, 3/20/51, 3/21/51, 3/22/51, 3/23/51, 3/24/51, 3/25/51, 3/26/51, 3/27/51, 3/28/51, 3/29/51, 3/30/51, 3/31/51, 4/1/51, 4/2/51, 4/3/51, 4/4/51, 4/5/51, 4/6/51, 4/7/51, 4/8/51, 4/9/51, 4/10/51, 4/11/51, 4/12/51, 4/13/51, 4/14/51, 4/15/51, 4/16/51, 4/17/51, 4/18/51, 4/19/51, 4/20/51, 4/21/51, 4/22/51, 4/23/51, 4/24/51, 4/25/51, 4/26/51, 4/27/51, 4/28/51, 4/29/51, 4/30/51, 5/1/51, 5/2/51, 5/3/51, 5/4/51, 5/5/51, 5/6/51, 5/7/51, 5/8/51, 5/9/51, 5/10/51, 5/11/51, 5/12/51, 5/13/51, 5/14/51, 5/15/51, 5/16/51, 5/17/51, 5/18/51, 5/19/51, 5/20/51, 5/21/51, 5/22/51, 5/23/51, 5/24/51, 5/25/51, 5/26/51, 5/27/51, 5/28/51, 5/29/51, 5/30/51, 5/31/51, 6/1/51, 6/2/51, 6/3/51, 6/4/51, 6/5/51, 6/6/51, 6/7/51, 6/8/51, 6/9/51, 6/10/51, 6/11/51, 6/12/51, 6/13/51, 6/14/51, 6/15/51, 6/16/51, 6/17/51, 6/18/51, 6/19/51, 6/20/51, 6/21/51, 6/22/51, 6/23/51, 6/24/51, 6/25/51, 6/26/51, 6/27/51, 6/28/51, 6/29/51, 6/30/51, 7/1/51, 7/2/51, 7/3/51, 7/4/51, 7/5/51, 7/6/51, 7/7/51, 7/8/51, 7/9/51, 7/10/51, 7/11/51, 7/12/51, 7/13/51, 7/14/51, 7/15/51, 7/16/51, 7/17/51, 7/18/51, 7/19/51, 7/20/51, 7/21/51, 7/22/51, 7/23/51, 7/24/51, 7/25/51, 7/26/51, 7/27/51, 7/28/51, 7/29/51, 7/30/51, 7/31/51, 8/1/51, 8/2/51, 8/3/51, 8/4/51, 8/5/51, 8/6/51, 8/7/51, 8/8/51, 8/9/51, 8/10/51, 8/11/51, 8/12/51, 8/13/51, 8/14/51, 8/15/51, 8/16/51, 8/17/51, 8/18/51, 8/19/51, 8/20/51, 8/21/51, 8/22/51, 8/23/51, 8/24/51, 8/25/51, 8/26/51, 8/27/51, 8/28/51, 8/29/51, 8/30/51, 8/31/51, 9/1/51, 9/2/51, 9/3/51, 9/4/51, 9/5/51, 9/6/51, 9/7/51, 9/8/51, 9/9/51, 9/10/51, 9/11/51, 9/12/51, 9/13/51, 9/14/51, 9/15/51, 9/16/51, 9/17/51, 9/18/51, 9/19/51, 9/20/51, 9/21/51, 9/22/51, 9/23/51, 9/24/51, 9/25/51, 9/26/51, 9/27/51, 9/28/51, 9/29/51, 9/30/51, 10/1/51, 10/2/51, 10/3/51, 10/4/51, 10/5/51, 10/6/51, 10/7/51, 10/8/51, 10/9/51, 10/10/51, 10/11/51, 10/12/51, 10/13/51, 10/14/51, 10/15/51, 10/16/51, 10/17/51, 10/18/51, 10/19/51, 10/20/51, 10/21/51, 10/22/51, 10/23/51, 10/24/51, 10/25/51, 10/26/51, 10/27/51, 10/28/51, 10/29/51, 10/30/51, 10/31/51, 11/1/51, 11/2/51, 11/3/51, 11/4/51, 11/5/51, 11/6/51, 11/7/51, 11/8/51, 11/9/51, 11/10/51, 11/11/51, 11/12/51, 11/13/51, 11/14/51, 11/15/51, 11/16/51, 11/17/51, 11/18/51, 11/19/51, 11/20/51, 11/21/51, 11/22/51, 11/23/51, 11/24/51, 11/25/51, 11/26/51, 11/27/51, 11/28/51, 11/29/51, 11/30/51, 12/1/51, 12/2/51, 12/3/51, 12/4/51, 12/5/51, 12/6/51, 12/7/51, 12/8/51, 12/9/51, 12/10/51, 12/11/51, 12/12/51, 12/13/51, 12/14/51, 12/15/51, 12/16/51, 12/17/51, 12/18/51, 12/19/51, 12/20/51, 12/21/51, 12/22/51, 12/23/51, 12/24/51, 12/25/51, 12/26/51, 12/27/51, 12/28/51, 12/29/51, 12/30/51, 12/

CONFIDENTIAL

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ON 20 JUNE

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1. The above information was obtained from a review of the files of the FBI, New York Office, and the files of the FBI, New York Office, and the files of the FBI, New York Office.

COPIES OF THE REPORT OF THE COMMITTEE ON THE ASSASSINATION OF MARTIN LUTHER KING, JR., ARE BEING DISTRIBUTED TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

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The first of these was the fact that the defendant had been in the company of the five civilized tribes at the time they were being removed from their homes.

~~SECRET~~

Supl.-C.D.#1249.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EFFIE M. HILL as a citizen of the Cherokee Nation; introduced
on part of applicant;

The applicant was notified by registered letter March 3,
1902, that her application for the enrollment of herself as a
citizen of the Cherokee Nation would be taken up for final con-
sideration by the Commission at its offices in Muskogee, Indian
Territory, on the 22d day of March, 1902.

Mr. T. W. Hastings, Cherokee Representative, present.

L. B. CAMPBELL, being duly sworn, testified as follows on
part of the applicant:

COMMISSION:

- Q What is your name? A L. B. Campbell.
- Q What is your post office address? A Carthage, Missouri.
- Q You are acquainted with the applicant in this case, Effie M. Hill? A Yes, sir.
- Q How long have you known her? A I have known her for about ten years or more.
- Q Did you know her father? A Yes, sir.
- Q What was his name? A Peter Blackfish.
- Q What was her mother's name? A Before she was married.
- Q Yes, sir? A Hayes.
- Q Was Peter Blackfish a citizen of the Cherokee Nation?
- A Yes, sir.
- Q Was his wife a white woman? A I think she was.
- Q Do you know whether they ever lived together as man and wife?
- A I think they did.
- Q Did you ever see them living together? A No, I never saw them living together; I knew them very well and the little girl, I knew her long before she was grown, and Peter Blackfish acknowledged her as his child, and drew money, I saw him draw money for them, in fact after that I was acting as guardian for the little girl.
- Q Just make any statement you like? A Well, I was acting as guardian for her and saw him draw the money at the Dixon roll in '86--'86 I think it was, this Dixon roll and she was acknowledged and she was on that roll, and I was present, I was doing some collecting, I was in business, and I saw him draw the money; I think it was 200 dollars, something like that, \$250. Well, afterwards he turned that money over to me as guardian to see to her schooling, and I was very much interested. He said he had another family; I didn't know the members of his family, he had other children; and her grandfather was a white man, old man Hayes, he got charge of the little girl when she was very small, had charge of her and would not let her go without his consent and in fact he forbid him coming on the place they say. Peter Blackfish made several attempts to get her, he wanted to raise her himself and sent some man over there and he run them off with a shot gun and he asked me to see that she went to school and I sent her to school.
- Q He acknowledged her to be his child? A Yes, he acknowledged her hundreds of times to me; come around and ask me about her, see her and all about it.
- Q Did you know her present husband here, Howard M. Hill? A I think I have seen him.

Q Where is she living at this time? A She is living somewhere about Vinit.

Q In the Cherokee Nation? A Yes, sir, some of those little stations up there; I haven't seen her and talked with her for a year or two, two years I guess. Way I come down, I was at Vinita, and I heard the little girl needed testimony and I took the matter in my own hand and spent the money. She could not put up a cent for my expenses. He knew that I had been guardian and knew Peter Blackfish had acknowledged her as his daughter, dozens, hundreds of times he spoke of her.

MR. HASTINGS:

Q Peter Blackfish was married to another woman? A Yes, sir.

Q He had another family? A Yes, sir.

Q He testified before the Commission in September, 1900, when he was alive at that time, that his wife was named Mary? A Present wife?

Q Yes? A Wife at that time.

Q And he said that he had been married to her 32 years at that time 1900; do you know that not to be correct? A No, I don't know his other family.

Q You knew his other family? A Yes, sir.

Q You know he had a family when this child was born?

A Well, at that time, I didn't feel enough interested when he was drawing this money.

Q You heard afterwards that he had another family? A Yes, sir.

Q And that this was an illegitimate child of his? A I don't know; I suppose they had a kind of ceremony.

Q You never knew that child when she was very small? A I new her when she was about this high (indicating).

Q The girl is about how old now, about 20? A Just about, somewhere along about 20.

Q Where is she living? A She is living up here about Vinita, at some of those stations.

Q You don't know? A No, sir.

COMMISSION:

Q Is there any further statement you desire to make? A No, sir; all I know of it I will have to repeat, but I am positive that Peter Blackfish acknowledged her as his child; he even told me that he would like for me to bring her out there to his family.

Commission: The record in this case is now deemed completed and the same will be reported to the commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, being first duly sworn, states upon his oath as stenographer to the Commission to the Five Civilized Tribes that he correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

CONFIDENTIAL

RECEIVED
FBI
MAY 31 1968
DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535
TO : DIRECTOR, FBI
FROM : SAC, NEW YORK (100-100000)
SUBJECT: [Illegible]

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal address, and it begins with the words "My Countrymen," and it is signed "Abraham Lincoln."

QAD/246

Supl.-C.D.#1246.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22d, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
NANCY MASINGALE as a citizen of the Cherokee Nation: Introduced
on part of applicant:

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902. The applicant this day appears in person and by her Attorney, S. B. Dawes, Muskogee, I. T.

Mr. W. W. Hastings, Cherokee Representative, present.

MRS. J. M. MASINGALE, the applicant, being duly sworn,
testified as follows:

MR. DAWES:

- Q What is your name? A Mrs. J. M. Masingale.
- Q Where do you live now? A 12 miles east of Pryor Creek.
- Q In the Cherokee Nation? A Yes, sir.
- Q Are you a Cherokee by blood? A Yes, sir.
- Q Are you an applicant for enrollment as a citizen of the Cherokee Nation, in this Nation? A Yes, sir.
- Q How long have you been a citizen of the Cherokee Nation?
- A Ever since I can remember.
- Q Are you enrolled on the 1880 roll? A Yes, sir.
- Q On the strip payment roll of '94? A Yes, sir.
- Q Have you since you became a citizen of the Cherokee Nation ever had a home elsewhere than in the Cherokee Nation? A No, sir.
- Q Have always had a home in the Cherokee Nation and considered that your home since you became a citizen of that Nation? A Yes, sir.
- Q When were you married the first time? A I don't remember the year, I was 18 when I married.
- Q How old are you now? A 21.
- Q How long did you live with your husband? A Three times.
- Q Where were you married? A At what place?
- Q Yes? A At Father's nine miles south of Chouteau.
- Q In the Cherokee Nation? A Yes, sir.
- Q In your testimony submitted to the Commission in November, 1901 you state that you have been out of the Nation a good part of the time during the past four years? A Yes, sir.
- Q I will ask you to state when you first went out of the Nation, what year? A '97.
- Q Where did you go? A That is when I went west, I was out of the Nation in '96.
- Q Where did you go in '97? A I went west.
- Q Where to? A Colorado.
- Q How long did you remain away? A 11 months.
- Q Did you then return to the Cherokee Nation? A Yes, sir.
- Q When did you go away again after that? A I remained in the Nation about two months and I went to New Mexico.
- Q How long did you remain in New Mexico? A Two years.
- Q How many times did you return to the Cherokee Nation during that period? (No response.)

Q Do you remember? A You mean after I went?
Q To New Mexico? A I returned once.
Q Where did you return to? A To the Nation.
Q I mean what place? A Kansas.
Q When you returned from New Mexico did you return to your father's?
A To my sister's.
Q In the Cherokee Nation? (No response.)
Q Why did you go to New Mexico and Colorado during those years?
A On the advice of my physician.
Q For what purpose? A For my health.
Q You didn't go for any other purpose, to establish a home anywhere else than in the Cherokee Nation? A No, sir.
Q Have you ever established a home elsewhere than in the Cherokee Nation? A No, sir.
Q Do you know whether or not your father has been holding lands and improvements for you in the Cherokee Nation all these years?
A He has.
Q What is your father's name? A Simon McKenzie.
Q He is a Cherokee citizen? A Yes, sir.
Q Citizen by blood? A Yes, sir.
Q Full-blood? A Yes, sir.

MR. HASTINGS:

Q Are you in bad health now? A No, sir; don't look like it do I?
Q You didn't think when you was before the Commission before to tell about the condition of your health did you? A No, I was rattled, it was the first time I was ever sworn.
Q How long has it been since your health has been entirely recovered?
A Three years, after I went west I got good health immediately.

SIMON MCKENZIE, being duly sworn, testified as follows
on part of applicant:

MR. DAVES:

Q State your name. A Simon McKenzie.
Q Where do you live? A About six miles north of Pryor Creek.
Q What is your citizenship? A Cherokee I reckon.
Q Cherokee Indian by blood? A Cherokee by blood.
Q How long have you lived in the Cherokee Nation? A I have been in it all my life; what little time I have been out and in during the time about war, I was around, out and in ever since then I have been at home.
Q Are you on the 1880 roll and 1894 roll and 1896 roll?
A I guess so.
Q Are you the father of this lady, Nancy Masingale? A Yes.
Q How many members have you in your family who are Cherokee citizen by blood or citizens of the Cherokee Nation? A All of them, three.
Q Yourself and how many children? A Two.
Q Is your wife a Cherokee? A No, sir.
Q I will ask you to state how much land you are holding in the Cherokee Nation? A Well, about 320.
Q About half a section? A Yes, sir.
Q Are you holding enough land to be an allotment for yourself and each of your children? A That is what I thought when I got that.
Q You are holding it for that purpose are you? A Yes, sir.
Q And you are holding then an allotment for this daughter, Nancy Masingale? A Yes, sir.
Q Is that improved land? A Yes, sir.
Q State whether or not she has always had her home in the Cherokee Nation? A All along until she got bad health and went traveling for her health, about five years ago.

Q Did she go away to establish her home elsewhere? A No, sir, she was just traveling for her health, went to Colorado and from there to two other places, west.

Q She returned home frequently during that time? A Yes, sir, she came several times during that time.

Q Then you have held for her a farm, improved farm in the Cherokee Nation for number of years past? A Yes, sir.

MR. HASTINGS:

Q You went with her to town and didn't know about her being in such bad health, did you Simon? A When she applied at Vinita?

Q Yes. A Didn't ask me any question about that.

Q You didn't think about telling the commission then about the state of her health? A No, sir, never asked any questions about that.

Q The excuse being her bad health or her being out and in of the Cherokee Nation is only given to the commission is it, this is the first time? A Yes, first time.

Commission: The Attorney for the applicant and representative of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted 30 days from date herein in which to file a brief in the case.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof/

J. O. Rosson

In re Application of
Nancy Masingale
for enrollment

Brief for Applicant.

(Copy)

IN THE DEPARTMENT OF THE INTERIOR.

In re Application of Nancy
Masingale for enrollment as
a Citizen of the Cherokee Nation.

Brief on Behalf of Applicant.

The Commission says in its decision:

"The evidence shows that the said Nancy Masingale is duly identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, also upon the 1884 Strip payment roll and, also, upon the 1896 pay roll of said nation; that the said Nancy Masingale resided in the Cherokee Nation until about the year 1896 when she removed to Colorado, and that she was residing in Colorado, New Mexico and Kansas during the five years next preceding the date of this application and was not residing in the Indian Territory on June 28, 1898."

Having found then that until about the year 1896 she was a bona fide citizen of the Cherokee Nation and actually resided there we have to consider whether or not she has done some act since then which deprives her of her rights. An examination of the testimony given by her and her father clearly shows the following: that she came to the Nation when she was very small; married the first time in the Cherokee Nation when she was eighteen years of age and lived with her first husband for three years. Her husband removed with her to the Choctaw Nation, where he died. That she first went out of the Nation in 1897; went first to Colorado; remained away eleven months; then came back to the Cherokee Nation; went to New Mexico and stayed about two years, during which time she returned to the Cherokee Nation once; then went to Kansas and at the time of taking the testimony had returned to the Cherokee Nation permanently.

"Q. Why did you go to New Mexico and Colorado during those years? A. On the advice of my physician.
Q. For what purpose? A. For my health.

Q. You did not go for any other purpose, to establish a home anywhere else than in the Cherokee Nation? A. No, sir.

Q. Have you ever established a home elsewhere than in the Cherokee Nation? A. No, sir."

She also testified that her father had, during all of the time she was absent from the Cherokee Nation, been holding improvements on land in the Cherokee Nation for her. Her father, also, testified that he was holding improved land for an allotment for this applicant. He, also, testified that his daughter always had a home in the Cherokee Nation until she got in bad health and went traveling for her health about five years before the testimony was taken.

Q. Did she go away to establish her home elsewhere? A. No, sir, she was just traveling for her health. Went to Colorado and from there to two other places west.

Q. She returned home frequently during that time? A. Yes, sir, she came several times during that time.

Q. Then you have held her a farm, improved farm in the Cherokee Nation for a number of years past? A. Yes, sir."

The following from the opinion in the Yeargains cases is so apt that we quote it without taking the trouble to apply it to this case:

"There are three elements clearly defined which must concur to effect forfeiture of nationality, or complete expatriation -- viz: removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship there. To these tests and for their construction there is also another, implied but not mentioned -- viz: the intent with which such acts be done, for if all property and the person were for some temporary purpose removed from the Nation, and if acts were done which might bear the construction of assuming obligations of citizenship in another community -- as voting there for instance -- yet if the removal of person and property were for some temporary purpose and with intent to return, and the acts implying an assumption of duties of citizenship elsewhere had no such purpose, then the change of cit-

izenship would not follow."

Applying such tests to the facts in the present case, it is clear that Nancy Masingale has not lost her Cherokee nationality. She retained possession and use of improvements upon that part of the national lands that she had before going on these trips out of the Nation. The fact that her absence from the Nation was in order that it might benefit her health is clearly proven in the testimony and that she did not make her home anywhere outside of the Nation is undisputed. She did not remove her effects from the Nation and there is not the slightest bit of testimony tending to show that she exercised or attempted to exercise any privilege or right of citizenship anywhere outside of the Cherokee Nation. And it is not clear how she might have acquired another nationality by assuming obligations of citizenship outside of the Nation. The opinion in the Yeargains cases has told us that in investigating this case we must be governed also by the intent with which she left the Nation. That this removal was intended to be temporary ^{is evident} from every part of the record and we merely call attention to it.

We, therefore, respectfully submit that this applicant must be enrolled for the following reasons:

First. In the spirit of the decision in the Yeargains cases she has not removed from the Nation at any time.

Second. She did not take all of her property from the Cherokee Nation, but on the contrary, her father maintained for her improvements on the public domain.

Third. She did not become a citizen of another government.

Fourth. Every word of the testimony bespeaks her intention of returning to the Cherokee Nation, shows that she in good faith considered it as her permanent home, and as conclusively, that she left the Nation temporarily in quest of health and

not for the purpose of abandoning her home in the Nation.

For all of which reasons we ask that the Dawes Commission be reversed, the Indian Office sustained and this applicant be enrolled as a Cherokee citizen.

Respectfully submitted,

Harry G. Kimball

Harry White

Attorneys for Applicant.

Cherokee D 1246

J.E.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy Masingale for enrollment as a citizen by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 26, 1901, Nancy Masingale appeared before the Commission at Vinita, Indian Territory, and made personal application for her enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902.


The evidence shows that the said Nancy Masingale is duly identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, also upon the 1894 Strip payment roll and, also, upon the 1896 pay roll of said nation; that the said Nancy Masingale resided in the Cherokee Nation until about the year 1896 when she removed to Colorado, and that she was residing in Colorado, New Mexico and Kansas during the five years next preceding the date of this application and was not residing in the Indian Territory on June 28, 1898.


Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:


"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Nancy Masingale for enrollment as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902



Cherokee D-1243
(R-774).

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nancy Masingale as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 26, 1901, Nancy Masingale appeared before the Commission at Vinita, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902. The record further shows that on September 20, 1902, the Commission rendered its decision denying said application and forwarded the same to the Department of the Interior, which decision was approved by the Department on October 28, 1902. Thereafter on August 28, 1903, the Department rescinded its former action in the matter of said application and remanded the case to the Commission for readjudication.

The evidence shows that the said Nancy Masingale is a Cherokee citizen by blood and is identified on the Cherokee authenticated tribal roll of 1880, the Cherokee strip payment roll of 1894 and the Cherokee pay roll of 1896. It is further shown that since the applicant's enrollment in 1880 she lived in the Cherokee Nation until 1896, and thereafter has been absent from said nation at various times but that such absences have been of a temporary nature.

The evidence further shows that during said applicant's absences from said Nation as hereinbefore shown, her father held lands and improvements in said Nation for said applicant.

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Joseph D.

Yeargain et al., (ITD 2900-1903), Nancy Masingale should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED):

James Dix

Chairman.

(SIGNED):

I. B. Needles

Commissioner.

(SIGNED):

C. E. Brockinridge

Commissioner.

(SIGNED):

W. L. Stanley

Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 6 190.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1246.

ADDRESS ONLY THE
MEMBERS OF THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

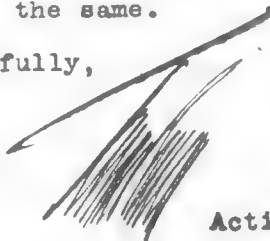
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 26.

COMMISSIONERS

HENRY L. DAWES
TAMS BIRBY,
THOMAS B. NEEDLES,
C. R. DRECKENRIDGE

ARTHUR L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN REPLY TO THE FOLLOWING

Cherokee D 1246.

Muskogee, Indian Territory, November 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 28, 1902.

Respectfully,



Commissioner in Charge.

may

COMMISSIONER
TAMM HIXBY
THOMAS H. NEEDLES
C. R. BRIDGES
W. L. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1246

ALISON L. AYERWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 7, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, granting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Enc. D-20.

ALISON L. AYERWORTH

mdy

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-774.

ALLISON L. AVLESWORTH,
SECRETARY
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 6, 1904, granting the application of Nancy Masingale for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 23, 1904.

Respectfully,

Commissioner in Charge.

D1246

IN THE MATTER OF THE APPLICATION OF

Nancy Maryale

CHEROKEE

- A Original testimony Oct 26 1901
- B Minutes of application Oct 26 1901
- C Notice of final consideration 3/22/02
- D Receipt for testimony

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

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Cher D 1247

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Office of the Secretary of the Navy

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and the fact that the majority of the population is of African descent, the Commission has been particularly concerned to ensure that the rights of the African population are protected and promoted. The Commission has also been particularly concerned to ensure that the rights of the African population are protected and promoted.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 12th, 1900.

IN THE MATTER OF THE APPLICATION OF Sarah Morgan for the enrollment of herself and husband as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Sarah Morgan.
Q What is your age? A About fifty two I guess.
Q What is your Postoffice? A Grove.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir/
Q By blood? A Yes sir.
Q Who do you want to enroll? A Myself and six children.
Q What is the name of your oldest child at home? A Rowena.
Q How old is she? A About eighteen.
Q Next one? A Augusta.
Q How old is she? A She is fourteen years old.
Q Has she any middle name? A No sir.
Q Next one? A Ollie.
Q How old is she? A Eleven years old.
Q Next child? A That is all unmarried.
Q Are you married? A Yes sir, I have been married, but my man is dead.
Q What was your name in 1880; twenty years ago? A Blevins.

(1880 Roll, Page 218, #63, Sarah Blevins, Delaware District)

- Q Were you married in 1896? A Yes sir.
Q Have you been married since the death of your husband? A Yes sir, but I was always enrolled as Blevins.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Have you married since your husband died? A Yes sir.
Q What is your name now? A Morgan.

By Com'r. T. B. Needles:


- Q Are these children named Blevins? A Yes sir.

(1896 Roll, Page 509k #2227, Sarah Morgan, Delaware D't)
(1896 Roll, Page 434, #127, Rowena Blevins, Delaware D't)
(1896 Roll, Page 434, #128, Augusta Blevins, Delaware D't)
(1896 Roll, Page 434, #129, Bertha Blevins, Delaware D't)

- Q Are these children all alive and living with you? A Yes sir.
Q Have you always lived in the Cherokee Nation yourself? A
A Yes sir.

Com'r. T. B. Needles: The name of the applicant, Sarah Morgan is found on the authenticated roll of 1880, as Sarah Blevins, she since having married one Morgan, and her name is found upon the census roll of 1896 as Sarah Morgan. The names of her children, Rowena, Augusta and Bertha Blevins are found upon the census roll of 1896, the name of Ollie appearing on that roll as Bertha. They all being duly identified, and having made satisfactory proof of residence, the said Sarah Morgan and her children, Rowena, Augusta and Ollie (Bertha) will be duly listed for enrollment as Cherokee citizens by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof. Subscribed and sworn to before me this 15th day of December, 1900.

 T. B. Needles
COM'R.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

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ACTING CHAIRMAN

MEMORANDUM

Cherokees.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 28, 1901.

In the matter of the application of Joseph Parker, for enrollment of himself, two brothers and one sister, and his half brother, Austin Hicks.

Isabel Wilson, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name please? A Isabel Wilson.

Q How old are you? A 32.

Q What is your postoffice? A South McAlester.

Q Down in the Choctaw Nation? A In the Choctaw Nation, yes, sir.

Q Do you live in the Cherokee Nation? A No, sir, I live in South McAlester.

Q Who do you want to apply to have put on the roll? A Joseph Parker.

Q Is that the only person that you want to apply for? A Yes, sir; I have him, I have taken him to raise.

Q I simply want to know if you want to apply to have anybody put on the roll except Joseph Parker? A No, sir, just Joseph Parker.

Q How old is Joseph Parker? A That I can't tell you exactly.

Q Tell me as near as you can? A He is either nine or ten.

Q Is he a Cherokee by blood? A Claims to be.

Q Is he living with you? A Yes, sir.

Q Down in the Choctaw Nation? A Yes, sir.

Q Is he an orphan? A Yes, sir.

Q Give me the name of his father? A Joseph Parker.

Q Is this child's father dead? A Yes, sir.

Q You stated, I believe, that the child was an orphan? A Yes, sir.

Q Give me the name of the child's mother? A Her name was Olie or Ollie Parker.

Q She of course is dead also? A Yes, sir.

Q Was the child's father a Cherokee or a white man? A White man.

Q How long has he been dead? A I don't know that.

Q Was the child's mother a Cherokee or a white woman? A Cherokee.

Q How long has she been dead? A I can't tell you that exactly, two or three months, probably four, I can't say exactly.

Q Where has this child lived during all of its life? A Well, it has lived in the Indian Territory at different places, I don't know, I can't tell that.

Q But in different places in the Territory? A In different places in the Territory.

Q Do you know whether the child is on any Cherokee roll or not?

A He claims to be, at Tahlequah.

Q Do you know where the child's mother was born? A I don't know.

Q Do you know where she spent her life? A In the Territory.

Q Always in the Territory? A From what I can find out.

Q Tell, what was her mother's name? A Hethington.

Q Do you know what her father's name was? A Why she was a Black, no I don't know what her father's given name was, I don't know.

Q Do you know what her mother's name was? A Her mother's name was Lucinda Blythe I believe.

Q Do you know whether this child's mother ever lived in the Cherokee Nation? A I can't say she did, I have heard she has lived here but of course I don't know.

Q You don't know whether she is on any of the rolls of the Cherokee Nation? A I don't know, they say she is but I don't know of course.

Q How long since you first knew this child's mother? A I have never knew his mother at all.

Q So you really don't know anything about him? A I don't know a thing about them only just what the little boy tells me, I know nothing personally.

Q You know whether the mother ever applied to be enrolled by us?

A I don't know.

Q Where did the mother die? A Well she died, I can't think of the place, some prairie they call it.

Q In the Cherokee Nation? A Yes, sir, out beyond Mrs. Brown's, at the ferry about ten miles, I can't think of the place; I don't think she was enrolled at the last time, she was sick at the time.

The indices of the Commission searched and it is not found that Ollie Parker has applied for enrollment.

The 1896 census roll of Cherokee citizens examined and the applicant, Joseph Parker, not identified thereon.

Q Do you know whether this child drew strip money in 1894? A I don't know, he said he drew money once but I don't know when it was.

The 1894 pay-roll examined and the applicant, Joseph Parker, not identified thereon.

The 1896 census roll examined for the name of Ollie Parker, and she is not identified thereon, nor upon the 1894 pay roll.

A It would be Hicks in 1880.

The 1880 authenticated roll of Cherokee citizens examined and the name of Ollie Hicks found thereon, page 539, No.

853, Illinois district, 25 years of age.

Q What do you know about this woman Ollie ever having borne the name of Hicks? A I don't know, but I know she has one child Hicks, her oldest child is named Hicks.

Q How old is that child? A Well, he looks to be 14 or 15, I would take him to be that much, I don't know.

Q That is all you know about it? A That is all I know about it, yes, sir.

Q You don't know anything about the woman really of your own knowledge except through this child? A I never knew her.

Q How many children are in this family besides this one, Joseph, that you speak of? A There is four besides him.

Q Are they all living together? A They are not living together but they all live in South McAlester and around there.

Q Well, give me the names of the other children now? A Austin Hicks is the first.

Q And now the next child? A David Parker.

Q And the next child? A Well the next one is a little girl that we call Dora; Well Joseph is the next, the one I have, but you have got that.

Q Then comes the child named Dora Parker? A Yes, sir, and Harrison Gilbert Parker.

Q That is the next child? A Yes, the next one.

Q But only the child Joseph Parker is living with you? A Yes, sir.

Commissioner: Joseph Parker, of this family, father of the children, is not identified on the roll of 1896.

Q Do you know how old this child Austin Hicks is; you say about 14 or 15? A I guess about 14 or 15, but I don't know.

Q About how old is the child David Parker? A Well he seems to be 11 or 12.

Q Then the child Dora? A 6 or 7.

Q And the child Harrison G. Parker? A About 2.

The 1896 census roll of Cherokee citizens examined, and the applicants Austin Hicks, David Parker, Dora Parker, and Harrison Gilbert Parker not identified thereon.

The 1894 pay-roll of Cherokee citizens examined and the applicant, Austin Hicks, identified thereon, page 960, No.

634, Sequoyah district; money drawn by Ollie Parker.

David Parker not on 1894 roll.

Dora Parker not on 1894 roll.

SARAH MORGAN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Sarah Morgan.
- Q How old are you? A I am about 54 or 55, I don't know exactly which.
- Q What is your postoffice? A Grove.
- Q Here in the Cherokee Nation? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A Born and raised here.
- Q You want to give some testimony, I believe, in record to the orphan children of one Ollie Parker? A Yes, sir.
- Q How many children did she leave? A Well, when I saw her she only had the four children, and afterwards there was another one born so she told me, I didn't know the child at all, I can testify to four though.
- Q But she is said to have left five? A Yes, sir.
- Q Where did you first know Ollie Parker? A Well, I was born and raised with Ollie Parker, that is my sisters first child.
- Q Where was she born? A These are her children, she was born on Spring Creek above the old Gilstrap ferry.
- Q In the Cherokee Nation? A Yes, sir.
- Q How long did she live in the Cherokee Nation? A I don't know of her ever being out of the Cherokee Nation, if she has ever been out I don't know anything about it.
- Q Didn't she die down in the Choctaw Nation? A No, sir.
- Q Where did she die? A She died here on Spavinaw just above the old Lynch Mills, they call it.
- Q She die here lately? A Yes, sir, she died I reckon this last July, I don't know the date of the death, when she died or nothing about it.
- Q How old would Ollie Parker be if she was living now? A She was born the second year after peace was made, that would make her about 30 or 35 years old, wouldn't it.
- Q Give me the name of her mother? A Lucinda Blythe, her maiden name, and she married a man by the name of Jim Hethington, that was this girl's name.
- Q Now is Lucinda Hethington dead? A Yes, sir.
- Q How long has she been dead? A Well she died the year peace was made, the second year after peace was made, she died directly after peace was made, I think the baby was five months old when she died.
- Q Lucinda Hethington was your sister? A Yes, sir.
- Q Was she your full sister? A Yes, sir.
- Q This woman Ollie was married more than once? A She was married twice.
- Q What was the name of her first husband? A Hicks.
- Q Where did she marry Hicks? A In Sequoyah district I think, I don't know.
- Q And about when was that? A Well I can't tell you.
- Q She was very young when she married Hicks? A Yes, sir.
- Q About how old was she when she married Hicks? A Well I can't tell you, that is something I can't answer.
- Q Well how many children has she living now by that husband Hicks?
- A Just the one.
- Q And is that the child Austin? A Yes, sir.
- Q Did she ever have any other children by this husband Hicks? A No, sir, not that I know of.
- Q Do you know a person by the name of Rachel Hicks? A No, sir.
- Q Did you know a Peggie Hicks? A No, sir.
- Q Did you know an Annie Hicks? A No, sir.
- Q You don't know of any Ollie Hicks that could have borne that name in 1880 and been with that family? A No, sir, I don't know anyone by the name of Ollie Hicks but the one we are talking about, she said her name was Hicks.
- Q Well the Ollie Hicks you are talking about was your niece?
- A Yes, sir.

Q Do you know how long she had been married when this child Austin was born? A No, sir.

Q Do you know whether Hicks was a white man or a Cherokee? A I think he was a Cherokee.

Q Did you ever know him personally? A No, sir.

Q Do you know when your niece Ollie married this man Parker? A No, sir, I don't.

Q Do you know when Parker died? A He has been dead I reckon to the best I can tell you about two years.

Q Do you know where she married him? A No I don't.

Q Do you know where these Parker children were born? A They were born in Sequoyah district I reckon, I don't know.

Q You don't know? A No, sir, I don't, I can't tell you.

Q When was the last time you saw your niece, Ollie? A That has been five years ago.

Q Well now are you personally acquainted with her four Parker children? A Yes, sir.

Q All four of them? A Yes, sir.

Q Do you know the baby? A I know the last one by Parker but I don't know this one that this lady has got, here this last one.

Q Do you know the Hicks child? A Yes, sir, I know Hicks, and the three Parker children.

Q Are these four children now all living? A Yes, sir.

Mr. W.W.Hastings, Cherokee Representative: With whom did your niece Ollie make her home after her mother's death? A With a woman by the name of Berry, Mary Berry.

Q Where? A She lived this side of Hudson Creek there just this side on the ~~farxx~~ prairie.

Q Was Mary Berry a Cherokee or a white woman? A Cherokee.

Q How long did she continue to live with Mary Berry? A She kept her five years I think.

Q Then who did she live with? A Her father stole her away and took her here to Big Creek and then she went from place to place, I don't know who had her from that on, I can't say.

Q Do you know how long her father kept her? A He didn't keep her at all, just put her from one place to another, till she got big enough to take care of herself.

Q Did she marry Hicks in Sequoyah district? A I think so, I won't be positive, but then I think there is where she got him.

Q Did you ever know Hicks? A No, sir.

Q Then all you know about her marriage to both Hicks and Parker is family information? A Yes, sir.

Q You never saw either of them? A I saw Parker, I was very well acquainted with Parker, but I never saw Hicks, don't know nothing about him.

Q Do you know whether it was a short time or a long time before Austin was born after they were married? A I don't know.

Q Well haven't you any idea at all? A No, sir.

Q No information on that subject? A No, sir.

Q Well now how far from Oiltrap's ferry was this child born, this woman Ollie? A Well I don't know.

Q What direction? A I don't know.

Q You don't know how far? A No, sir.

Q You don't know whether she was born in the Cherokee Nation? A Well I know it.

Q How do you know it? A Because she said so.

Q Is that the only way you know it? A That is all the way I know it.

Commissioner: Mrs. Morgan, what was your name in 1880, were you Morgan then? A No, sir, I guess either Blevins, I don't know, I have been married twice.

Q How long have you been married to Morgan? A I was married to him about three years.

Q And you were a Blevins before that? A Yes, sir.

Q Have you applied to be enrolled by us? A Yes, sir.

Q And were you enrolled? A Yes, sir.

Q You applied as Sarah Morgan? A Yes, sir.

Commissioner: Sarah Morgan is identified as per the evidence in her case, in case #8482, on the roll of 1880 as Sarah Blevins, Delaware district, page 218, No. 83.

The rolls in the possession of the Commission examined for the name of Ollie Barry, and no such name found thereon.

MARY BROWN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Mary Brown.

Q How old are you? A About 60.

Q What is your postoffice? A Ketchum, I. T.

Q How long have you lived in the Cherokee Nation? A All of my days.

Q You want to give some evidence in regard to the application for the enrollment of the four children, four orphan children, of one Ollie Parker, do you not? A Yes, sir.

Q Did you know this woman Ollie Parker? A Yes, sir.

Q Was she kin to you? A No, sir.

Q How long did you know her? A Ever since she was about three or four months old.

Q Where did you first know her? A On Grand River.

Q In the Cherokee Nation? A Yes, sir.

Q Whereabouts on Grand River? A Near where I live now.

Q And just whereabouts is it you live now? A I live down here at the Bowling Green place.

Q Did you know Ollie Parker's mother? A Yes, sir.

Q What was her name? A Lucinda Rathington.

Q When did Lucinda die? A She died when the baby was about seven or eight months old.

Q Did then before the roll of 1880 was made? A Oh yes.

Q About how old would Ollie Parker be if she was living now?

Q She was born June, 1866, the 24th day.

Q Well, where did she live on down to the time of her death, do you know that? A She lived somewhere in Going Snake a part of the time.

Q Did you see much of her during her life? A Yes, sir, for the last six years I have been with her all the time off and on.

Q Where did she die? A She died on Spavinaw somewhere near the Sinking Springs.

Q These children are in the Choctaw Nation? A Yes, sir.

Q How did they happen to get down there? A A woman by the name of Slice Guster as I formerly know her, taken these children and turned them over to the Orphan Home at Pryor Creek.

Q Then how did they get down to the Choctaw Nation? A Well I can't tell you that.

Q Did you know Hicks? A No, sir, didn't know Hicks.

Q Did you ever know about Ollie being married to Hicks? A I heard her say she was married to Hicks.

Q That is all you know? A Yes, sir, that is all I know.

Q You know the child Austin Hicks? A Yes, sir, I know him.

Q Do you know how long she had been married when that child was born? A No, sir.

Q About how old is that child? A I suppose it is about 15.

Q Did she ever have any other children by that husband Hicks except this one? A I don't know.

Mr. Hastings: With whom did this woman Ollie live after her mother's death? A I kept her over five years myself, suckled that woman fifteen months when she was a baby.

Q Then where did she go? A Her father took her to Big Creek.

Q Who did she live with up there? A I don't know who she was living with.

Q Then you didn't know her from that up to the time she married?

A No, sir.

Q You don't know where she lived? A She lived in Going Snake she says, I don't know.

Q You don't know where Austin was born? A He was born in Going Snake.

Q How do you know; I want to know from your own knowledge, not from your information? A What she tells me.

Q Do you know yourself? A No, sir.

Q Do you know where she married Parker then? A No, sir.

Q Do you know where any of these Parker children were born, yourself? A No, sir.

Q You got to knowing her again personally about six years ago?

A About six years ago.

Q Then your personal knowledge of her is from the time she was born up till she was about five years old, then from about six years ago to her death? A Yes, sir.

Q And the rest that you know is only what she has advised you?

A Yes, sir.

Q Where did you live for the first few years after the war? A I lived up here near Prairie City.

Q How far from old Prairie City and in what direction? A Mile and a half north of Prairie City.

Q On what side of the river? A On this side of the river. I will tell you what I wish to tell; you will find her name where it is signed on the rolls Ollie.

Q Ollie what? A Ollie Hicks or Ollie Parker, they give it the sound of O-lie wherever it is signed.

Q But I want you to tell me where it is signed? A It was on the 1880 roll, we found it at Tahlequah, as Ollie Hicks.

Commissioner: There is an Ollie Hicks on the 1880 roll but she is in the family of Rachel Hicks? A Well I know nothing about the family of Hicks any more than we found her signed, where it is signed, ever in the marriage certificate, Ollie.

Q Yes, there may be several of them, and I have already found one, but what we want to find out now is whether that belonged to this woman; what district did this woman Ollie live in in 1880?

A I can't tell you, she told me she lived in Going Snake but that is hearsay.

Q The only Ollie Hicks we find on the 1880 roll seems to be the daughter of Rachel Hicks, and in the family with Annie and Peggie, and she is there given as 25 years old? A I don't know them.

Q Now is there any other information you can give us that would help us to identify this Ollie Hicks, the mother of these children, on the 1880 roll, or any other roll? A I guess not.

MRS. BLANCHE BERTHAM, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Mrs. Blanche Bertham.

Q How old are you? A 27 years old.

Q What is your postoffice? A Krebs.

Q In the Cherokee Nation? A No, sir, Choctaw Nation.

Q Do you want to give some testimony about the children, the orphan children of one Ollie Parker? A Yes, sir, but I don't know much about them.

Q Are you personally acquainted with any of these children? A I think so, I have one of them.

Q Well, do you know any besides the one you have? A Well, I am right around them where I see them often but I don't know them, I am not personally acquainted with them.

Q Well which is the child you have? A Why Harrison Parker.
Q Harrison G. Parker? A I don't know whether it is G.
Q I want to get the child's name correctly? A Well, it is Harrison Parker, that is the name it has got.
Q You don't know anything about him having a G in his name? A It is Harrison Gilbert Parker.
Q Were you personally acquainted with these children's mother?
A No, sir.
Q Were you acquainted with the children's father? A No, sir.
Q All you know about the child is it is a baby in your care and you are looking after it? A Yes, sir, and I got it from the Orphan Home.

Mrs. Isabel Wilson, recalled, testified:

Commissioner: Who has charge of this child, Austin Hicks? A Mr. Waters in South McAlester.

Q Give his full name? A I don't know that, I don't know him personally.

Q But any letter about the child send to you would always reach it?

A Yes, sir.

Q Who has charge of the child David? A Mr. Coleman, of old McAlester.

Q What is his name? A Dick Coleman.

Q Who has charge of the child, Dora Parker? A Mr. Davis in South McAlester.

Q What is his name? A Tom Davis.

Q And Mrs. Bertram, who has just testified, has charge of the baby, Harrison G.? A Yes, sir.

Commissioner: In the application for the enrollment of the five children named in the testimony, only one of them, Austin Hicks, is identified upon any roll, though four are of sufficient age to be upon the roll. The child Austin Hicks is identified on the roll of 1894. All of the children are shown by sufficient testimony to be alive at this time and as the baby, Harrison G. Parker, is identified here personally as alive, no affidavit of birth will be required in its case. All of these children are satisfactorily shown to have been taken from the Orphan Asylum in the Cherokee Nation, and presumably they have lived in the Cherokee Nation all their lives. It does not appear that any of them acquired any right through their father, either the first or the second husband of the mother of these children. This mother is said to have lived in the Cherokee Nation all her life. She seems to have secured the enrollment of her child, Austin Hicks, in 1894, as shown by the record on the roll, but she herself is not identified on that roll, nor is she definitely identified on any roll. She is not identified in any manner on the roll of 1896. There is an Ollie Hicks, which was once the name of the mother of these children, prior to her being a Parker, identified on the roll of 1880, but there is substantially no evidence at this time that that enrollment is of the mother of these children. That woman seems to be of entirely a different family. An aunt of the deceased mother of these children, Sarah Morgan, is duly identified on the roll of 1880, but the mother of the woman, Ollie, is shown to have died long prior to the making of the roll of 1880.

Under these conditions, the names of these children will be listed for enrollment as Cherokees by blood on a doubtful card, and the final decision of the Commission will be made known to them, or to those who have charge of them.

-3-

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones
Sworn to and subscribed before me this the 20th of October, 1901.

[Signature]
Commissioner.

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Supl.-C.D.#1247.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 22d, 1902.

SUPPLEMENTAL in the matter of the enrollment of AUSTIN HICKS,
ET AL., as citizens of the Cherokee Nation:

Commission: There is offered in evidence by the Attorneys for the applicant a certified copy of an Act of the Cherokee National Council making an appropriation for the benefit of persons omitted from the Strip fund and decided to be entitled by the Revising Committee of Tahlequah district, which certificate contains the names of Ollie, David, Joseph and Dora Parker.

Mr. Smith, of Counsel for Applicants, present.
Mr. W. W. Hastings, Cherokee Representative, present.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIDELITY TRIBES
FILED
MAR 31 1902
ACTING CHAIRMAN

FILED

MAR 31 1902

ACT'NG CHAIRMAN

On 10/10/1944, the following information was received from the Bureau of the Census, Washington, D. C.:

7

Supl.-C.D.#1247.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
AUSTIN HICKS, ET AL., as citizens of the Cherokee Nation, intro-
duced on part of the Applicants:

Appearances:

Mr. Smith, of Counsel for Applicants;

Mr. W. W. Hastings, Cherokee Representative.

ELIJAH BLY, being duly sworn, testified as follows on
part of applicants:

MR. SMITH:

- Q State your name? A Elijah Bly.
Q Where do you live, Mr. Bly? A Ramona.
Q How old are you? A About 58.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Did you ever know a man by the name of Jim Hetherington?
A Yes, sir.
Q Did you ever know a Lucinda Hetherington? A Yes, sir.
Q What relation were they to each other? A Why, she was-
Q That is, what relation did they bear to each other, Jim Hether-
ington and Lucinda Hetherington? A They were married.
Q Were they man and wife? A Yes, sir.
Q Who was Lucinda Hetherington before they were married? A She
was a Bly.
Q Was she kin to you? A Yes she was some relation.
Q What relation? A She was about a third cousin of mine.
Q And where did they live, in the Cherokee Nation? A They lived
in on Grand river there, Delaware district.
Q They have any child? A They had one.
Q What was the name of that child? A Its name was Ollie Hethering-
ton.
Q What was Hetherington, a Cherokee or white man? He was a
white man.
Q What was Lucinda Bly? A She was a Cherokee.
Q Do you know about when Lucinda Bly, the mother of Ollie, died?
A Well, no, not just exactly, I don't.
Q Well, has she been dead a long time or short time?
A Well, long time, quite a long time.
Q Well, now, when did you last see this Ollie Hetherington?
A She was about a year old I think when I saw her last.
Q Where was she? A She was living with a family by the name of
Berry, still on Grand river.
Q What was the first name of this Berry woman? A Her name was
Mary Berry.
Q Do you know what her name is now, or whether she is living or
anything about it? A No, sir, I could not tell.
Q You don't know of your own knowledge? A No, sir.
Q Well, now, then, do you know anything further than you have
stated, that is about this girl Ollie? A No, sir.
Q Don't know who she married or anything about it? Z No, sir.
MR. HASTINGS:
Q When did you first know this woman? A Well, we was partly
raised together.
Q I want to know when that was? A That has been 35 years ago.
Q Before the war? A Yes, sir.

Q You never knew her much after the war? A No, just a little while, she was married during that time or about the time.
Q And you don't know where she went to? A Yes.
Q Did you ever see her after the war? A Oh, yes.
Q Where? A She was in on Grand river.
Q Well, now, where on grandriver? A The mother of the children?
Q Yes? A She was in on Grand river there.
Q Well, near whose place on Grand river? A what we called Boone's ferry.
Q How far from Vinita now? A Good ways. Prairie City was near over there.
Q On which side of Grand River? A West side.
Q Well, now, how long after the war was it they were living there?
A Right away.
Q How long did you know them after the war? A Just a little while.
Q Year or two? A No, not more than a year.
Q Did you ever know her after that? A No, sir.
Q Everything you stated subsequent to that has been hearsay?
A Yes, sir.
Q Wasn't that Wetherington woman named Bell? A No, sir.
Q You know that she was named Ollie? A Yes, sir.
Q When was Ollie born? A Well, I don't know just what year she was born in.
Q Born during the war or after the war? A After the war.
Q how long? A I suppose couple of years.
Q You saw her after she was born? A Yes.
Q Where were they living then? A I was living right there in the neighborhood, up the country a little ways up the river.
Q Didn't you never have any information of these people where they were? A No, sir, the child was, -her father taken to this Berry and I suppose she was adopted to the family and I lost track of her and wasn't in that country for years and I never knew what become of her.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above supplemental testimony, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

U.S. DEPT. OF JUSTICE

RECEIVED MAY 1 1902

TO THE COMMISSIONER OF THE LAND OFFICE
WASHINGTON, D.C.
FROM THE
SPECIAL AGENT IN CHARGE
OF THE
LAND OFFICE
AT
SALT LAKE CITY, UTAH
RE: [illegible]

RECEIVED
MAY 1 1902
FBI, D.C.
COMMISSION TO THE LAND OFFICE

Wm. B. Smith

[Signature]

D. 1247.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 17, 1902.

In the matter of the application of Austin Hicks for the enrollment of himself and children as citizens of the Cherokee Nation.

Applicant represented by Mellette & Smith, attorneys, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings.

This case was continued by agreement between the attorneys for the applicant and the representative of the Cherokee Nation present from April 5, 1902, to April 17, 1902. The same being this day, to wit the 17th day of April, 1902, called, the applicant fails to appear either in person or by his attorneys, Mellette & Smith. The record in this case is now deemed completed and will be reported to the Commission for final decision based upon the evidence of record.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 23rd day of April, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Austin Hicks, Joseph Parker, David Parker, Dora Parker and Harrison G. Parker as citizens by blood of the Cherokee Nation:

DECISION.

The record in this case shows that on October 28, 1901, Isabel Wilson appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of Austin Hicks, Joseph Parker, David Parker, Dora Parker and Harrison G. Parker as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902.

The evidence shows that the said Austin Hicks, Joseph Parker, David Parker, Dora Parker and Harrison G. Parker are the minor children of Ollie Parker, deceased, daughter of James Hetherington, a white man, and his wife, Lucinda Hetherington, a native Cherokee.

It appears that one Sarah Morgan, sister of the said Lucinda Hetherington and aunt of the said Ollie Parker, is duly identified upon the 1860 authenticated roll of the Cherokee Nation as a native Cherokee, and that the said Lucinda Hetherington died before the making of the 1860 roll; that said Ollie Parker was born and has always resided in the Cherokee Nation; that she was first married to one Hicks and afterwards to one Joseph Parker.

The evidence further shows that Austin Hicks is the child of the said Ollie Parker by her first husband and that Joseph, David, Dora and Harrison G. Parker are her children by her second husband, Joseph Parker; that all of said children were born and have always resided in the Cherokee Nation up to and within a few months of the date of this application, when they were taken to the Choctaw Nation; that the said Austin Hicks is duly identified upon the 1894 Strip payment roll and the said Ollie Parker, together with her said children, Joseph Parker, David Parker and Dora Parker are identified by an Act of the Cherokee National Council, approved November 24, 1894, making an appropriation for the benefit of persons omitted in the payment of the Strip funds and found to be entitled thereto by the Revising Committee of the Sequoyah District; that the said Harrison G. Parker is too young to be upon any of the tribal rolls of said nation but, as he was identified personally before Commissioner Breckenridge, affidavits as to his birth were waived by said commissioner.

Cherokee D 1247

It is, therefore, the opinion of this Commission that Austin Hicks, Joseph Parker, David Parker, Dora Parker and Harrison G. Parker should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section 21, of the Act of Congress approved June 26, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes,

Washoe, I. T. August 26th 1902.

In the matter of the application of Joseph Parker et al for enrollment as citizens of the Cherokee nation by blood.
C. D. 1247.

The Cherokee nation desires to protest against the decision of the Commission rendered on August 11th 1902 and asks that the same be forwarded to the Honorable Secretary of the Interior for review.

The testimony shows that Ollie Parker the mother of these children is dead and that she died some five or six years ago on Spavinaw. The name of the oldest child Austin Hicks is found upon the pay roll of 1894 but none of the names of the other three children appear thereon but they were paid their strip money under an act of the National Council approved November 28th 1894. So far as these children are concerned this is the first roll the names of any of them appear upon and in fact it is the only roll their names appear upon and in as much as the Commission has taken occasion numerous times to comment upon the unreliability of the 1894 pay roll we deem it unnecessary to make any extended comment upon it now except to say that a large sum of money \$265.70 was paid to the persons whose names appear upon this roll and the evidence in many cases tends to show that part of the per capita money of numerous persons whose names appear thereon was given in consideration for their names being placed upon this roll. Your attention is further invited to the fact that the National Council refused to authenticate the 1894 pay roll and in the very act itself indicated that it ~~was not a~~ was not a roll that the Cherokee Nation would be bound by hence we insist that because of the fact that the names of these children appear upon the 1894 pay roll it is not such evidence of Cherokee citizenship as should entitle them to be listed for enrollment as citizens of the Cherokee nation.

The mother of these children was born on June 24th 1844 and although the Commission has the roll of 1893, the pay rolls of 1893, 1894, 1895

and 1894 all in their possession yet the name of the mother of these children does not appear upon any of these rolls and we contend that it makes no difference if this woman were a full blood Cherokee unless she hereafter had been recognized as a citizen of the Cherokee Nation and if living would not be entitled to enrollment at this time, neither should her descendants be so listed for enrollment now.

Congress passed the act of June 10, 1896 for the purpose of giving this class of persons an opportunity to apply to be admitted as citizens of the Cherokee Nation and it was never intended by any subsequent act of Congress, and particularly section twenty one of the Curtis bill to ever give applicants a chance to apply to readmission to citizenship but it was intended that the Commission should enroll only the recognized citizens of the Cherokee Nation, those recognized by the Cherokee Nation and who had been carried upon the Cherokee rolls. The Curtis bill confirms the 1880 roll, but the name of the mother of the applicants does not appear thereon and no good reason is shown why her name, if she is a recognized citizen of the Cherokee Nation, does not appear upon said roll and although the subsequent rolls above referred to were pay rolls the name of the mother of these children does not appear upon any of them.

We insist that the Commission should not go into the admission business under the present law, that the time for filing applications expired September 8th 1896 and we insist that all of the records refute the contention that the mother of these children was ever a recognized citizen of the Cherokee Nation and we insist that the names of these children appearing upon the unauthenticated and in fact repudiated pay roll of 1894 is insufficient to have them listed for enrollment at the present time.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation.

J. C. S.

SUCCESSOR TO
JOHNSTONE & KEELER.

GEO. B. KEELER

WHOLESALE AND RETAIL

BARTLESVILLE, I. T.
MAMONA, I. T.

General Merchandise

FARM IMPLEMENTS, LIVE STOCK, ETC.

Bartlesville, Ind. Ter.,

3/26/02.

J. C. Starr, Esq.,

Muskogee, Indian Territory.

Dear Sir:--

Replying to your letter of the 24th inst will say that the statement made before the Court is correct by Sarah Blevins. Her and Ollie Parker's mother were own sisters and the daughters of Wm. Blythe an own brother of mine. Ollie Parker's mother was Lucinda Blythe and Lucinda Blythe married a white man by the name of Heffington. Ollie Parker's parents died when she was quite young and of course that would make her a Cherokee Indian, and as for her offspring I do not know anything about them but they are surely Cherokees as I know she was a niece of mine and her rights were never disputed.

Trusting this information will do you some good, I am,

Very respectfully,

G. B. Keeler

Arrow Ind Ter

4/1- 1907

J. C. Starr

Muskogee
I.T.

Dear Sir:-

In reply to your letter of
Mar. 25th - will say that Lucinda
Blythe was my own ^{full} sister.
my father's name is William Blythe and
my mother's name is Francis Blythe some-
times called Francis. instead of Francis
if you need me for a witness
for those children I am ready to
do all I can for them

Yours Truly
Mr. Sarah Morgan.

JPV

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
CYR BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1247.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of Austin Hicks, Joseph Parker, David Parker, Dora Parker and Harrison G. Parker as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 26.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEFFLES
C. R. BECKINRIIDGE

ALLISON A. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

OFFER IN REPLY TO THE FOLLOWING:

Cherokee D 1247.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,


Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, granting the application of Isabel Wilson for the enrollment of Austin Hicks and Joseph, David, Dora and Harrison G. Parker as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on August 13, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,


Acting Chairman.

1308

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINKRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D 1247.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated August 11, 1902, granting the application of Isabel Wilson for the enrollment of Austin Hicks, Joseph, David, Dora and Harrison G. Parker, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 6, 1902.

Respectfully,



Acting Chairman.

~~Deed~~ ~~THE MATTER OF THE APPLICATION OF~~

~~Curtis Hicks & al~~

~~Original testimony of 28 1901~~

~~Memo of application Oct 27 1901~~

~~Receipt for testimony~~

~~Notice of final consideration 3/22/02~~

~~Notice of final consideration, David Parker~~

~~March 22, 1902~~

~~Notice of final consideration, Dora Parker~~

~~March 22, 1902~~

~~Notice of final consideration, Joseph Parker~~

~~March 22, 1902~~

~~Notice of final consideration, Harrison~~

~~G. Parker, March 22, 1902.~~

~~! Certified copy of an art appra.~~

~~made in 1894~~

Cher D 1248

Cher D 1248

~~CONFIDENTIAL~~

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29, 1901.

In the matter of the application of Augustus L. Rogers et al.
for enrollment as citizens of the Cherokee Nation.

Supplemental testimony on behalf of the applicants:

Appearances:

J. D. Cox, attorney for applicants;

W. W. Hastings, of counsel for Cherokee Nation.

THOMAS B. DICKSON, being duly sworn by Commissioner Needles,
testified as follows:

Mr. Cox: What is your name? A Thomas B. Dickson.

Q Where do you reside? A Chelsea, Indian Territory.

Q How long have you lived there? A I came there in 1889.

Q What is your business? A Practice of medicine.

Q What was your business from 1889 to the present time? A Prac-
tice of medicine.

Q Are you a graduate of any school? A Memphis, Tennessee.

Q Are you acquainted with Augustus L. Rogers? A Yes, sir, I am.

Q You can state whether you were his family physician in 1895 or '6
or not? A Yes, sir, the first practice I did for him was May 8,
1895.

Q State what you did? A The first work I did for him was to wait
on his wife in a case of confinement.

Q Delivered her of twins, did you now? A I did.

Q Well, what was the condition of her health from that time as
long as you knew them at Chelsea? A Her condition at the time I
was called to her was somewhat critical, seemingly, as she was suf-
fering at the time in connection with confinement --

Mr. Hastings: He wants to know her general condition
afterwards, and not any temporary sickness.

Commissioner: That is what we want to know, her general
health.

A Her health was bad.

Q I will ask whether or not you advised Mr. Rogers to take her
out of this climate, that she couldn't stand the climate; if so,
state in your own way why you did so? A I told Mr. Rogers that I
thought the climate wasn't agreeing with her at all, inasmuch as
she was suffering after confinement with what we call dropsical ef-
fusion of the extremities and having weak lungs; now there is several
things connected with the case that might bring to bear more plainly
her condition, but possibly it would be a little bit critical to
mention all of them; suffice to say that she was in bad health; the
leading feature in her case was dropsy; I wasn't very much surprised
at it prior to confinement but I was seeing that it still remained
after confinement, in that I gathered that it wasn't a temporary affair,
~~and~~

Q And on account of her general condition you advised Mr. Rogers
to take her out of this climate? A I did, I believe that was about
the substance of my advice.

Q What is your citizenship, doctor; are you a citizen of the
Cherokee Nation or of the United States? A I am a citizen of the
Cherokee Nation.

Q How long have you been a citizen of the Cherokee Nation? A Since
March 24, 1891, I believe; it pushes me to recall about our marriage,
I don't know anything about my children at all unless I get the re-
cord from my wife.

Q I believe you stated Mr. Rogers was living at Chelsea at the
time you treated his wife? A Yes, sir, when I waited on his wife
he was living at Chelsea.

Mr. Hastings: How long had he been living there? A Not very long.

I don't know just exactly the date.

Q How long did he live there after you advised him of the bad condition of his wife's health? A I don't know just the date but not very long afterwards.

Q You acquainted with the climate back in Georgia where he went?

A Yes, sir.

Q You ever live there? A I was born there.

Q In the same place that he came from; that he is living now?

A Near there, I believe it is the adjoining county, Gordon County,, is where I was born.

Q What is wrong with this climate with reference to a person who had a disease such as she had? A Well there is a peculiar susceptibility on the part of some to malarial toxine; I don't know where she got it; I know she was suffering with it at the time she was confined, and as bad as her condition was it grew worse after confinement; it seemed like this malaria had an additional effect severe on her system, on her ~~sanitary~~ constitution, it seemed like medicine didn't have the desired effect in removing it.

Q Is it your judgment, doctor, that the whole of the Cherokee Nation would make her susceptible to these malarial conditions that you describe? A Well that would be a little hard to answer; I just look upon that in this way; there is some persons that is very peculiarly susceptible to malarial atmospheres, to western climate; where they have a delicate constitution and have been raised in a different atmosphere to this west of the Mississippi river; well ninety per cent will throw off this malaria and never suffer any injurious effects from it, though you will see one come along, male or female, and with the least little thing to lower vitality it just gets hold of them in such a way that it seems to have quite a demoralizing effect on the nervous system.

Q Doctor, you or your wife any relation to this applicant?

A None whatever, no, sir.

Q You don't know her condition as to health now? A No, sir, I don't know a thing about it; I never ordered Mr. Rogers to go back to Georgia that I recollect, but I told him I didn't think this climate would agree with his wife, and I believe they moved home not a great while after; I told him the best thing he could do was to travel with her or get her out of this climate for a while.

Q For a while? A Yes, sir.

Mr. Cox: What you know of the climate in the State of Georgia, taking in consideration her condition at the time you treated her, do you or do you not consider it was a favorable climate to her?

A Only in this way; she was raised there as I understood and acclimated to the climate, while I didn't consider her so in this country.

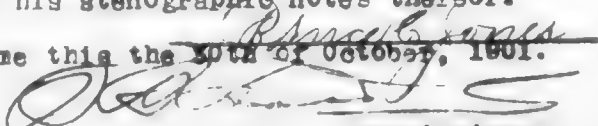
Q Well this is a very much more malarial climate than that? A It is so considered.

Mr. Cox: Now I would like to take some depositions as to the condition of the applicant in the State of Georgia if Mr. Hastings will agree to it.

Commissioner: This testimony will be filed.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 10th of October, 1901.


Commissioner.

1124

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
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ACTING CHAIRMAN.

NOV 11 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 29th, 1901.

In the matter of the application of Augustus L. Rogers for the enrollment of himself and seven children as Cherokee citizens by blood; said Rogers being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Augustus L. Rogers.
Q How old are you? A 52.
Q What is your post office? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children? A There is eight, sir.
Q And yourself? A Yes, sir.
Q Well, give me their names? A Mary E. Rogers.
Q Now, I don't want any that is of age, all that are of age will have to apply for themselves? A Well leave that out then; Mary May Rogers.
Q How old is she? A She is 20 years old.
Q The next one? A John William Rogers.
Q How old is he? A 18.
Q The next one? A Louise E. Rogers; 05; Ruth A. Rogers.
Q How old is Ruth? A Nine years.
Q Next one? A Robert Carl.
Q How old is he? A Six years old; James Clarence, six.
Q Are these children all living at this time? A Yes, sir.
Q Is your name upon any of the rolls of the Cherokee Nation?
A Yes, sir.
Q What roll? A I was ~~rejected~~ readmitted in roll of '86 I believe.

Tribal Rolls in the possession of this Commission examined and names of applicants not found thereon.

Q Did you draw strip money? A No, sir.
Q Never have drawn any money? A No, sir.
Q Then your name is not on any of the rolls of the Cherokee Nation,
A You will find my name, sir, on the roll of '51.
Q Have you lived continuously in the Cherokee Nation since 1896?
A No, sir, I have not.
Q Well, where have you? A Through the advice of my Physician I carried my family back to Georgia.
Q Do you live in Georgia now? A Yes, sir.
Q You and your family are living in Georgia? A Yes, sir.
Q You never have lived in the Cherokee Nation? A No, sir, I moved my family here.

MR. HASTINGS, Cherokee Representative:

Q When did you move your family here? A I moved in '95 or '96.
Q Don't you know which? A '96.
Q What time in '96? A Moved here in March.
Q How long did you stay here? A I stayed here six months.
Q How long did your family stay? A They stayed four months.
Q And then you went back to Georgia? A Yes, sir.
Q You have been there ever since? A Yes, sir, I came back.
Q This time to enroll? A No, sir, I have been back here every year.
Q But you and your family have lived in Georgia? A Yes, sir.
Q When did you come from Georgia this time? A I came eight or ten days ago, sir.
Q Where were you in the year '98? Georgia? A Yes, sir.

Com'r Needles: Augustus L. Rogers and his children were admitted as citizens by blood, having been admitted under the Act of 1895, and having come to the Nation before the expiration of six months after 1895.

J. F. COX, Attorney for Applicants:

- Q I will ask you if you left any part of your effects here when you went back to Georgia? A Yes, sir, I left household goods, farm.
- Q Where did you leave the household goods? A In Chelsea.
- Q I will ask you if you have owned a farm in the Cherokee Nation ever since? A Yes, sir.
- Q Soon after you came here? A Yes, sir.
- Q I will ask you if you didn't return to Georgia with your family on account of the health of your family on the advice of your physician? A Yes, sir.
- Q I will ask you if your Physician didn't advise you that your family could not stand this climate? A Yes, sir.
- Q Who was your physician? A Dr. Dickson.
- Q I will ask you if you intended to return to the Territory as soon as the health of your family would permit?

Mr. Hastings: I object to that.

Com'r Needles: I don't think there is any objection to the question; it don't make any difference whether he intended to return or not, since he is here; let him answer.

A Yes, sir.

Q I will ask you if you acquired citizenship, or in any way had anything to do with the Government affairs of the State of Georgia since you returned back there? A No, sir.

Q Have you voted? A No, sir.

Q Your home has been in the Cherokee Nation.

(Objected to by Mr. Hastings; overruled by the Commissioner.)

Q What have you done since you returned to the state of Georgia, Mr. Rogers? A Well, sir, I have been working to make a living for my family.

Q Labored at whatever you could get to do? A Yes, sir.

Q I believe you stated that you left household goods at Chelsea?

A Yes, sir.

MR. HASTINGS: What household effects did you leave at Chelsea? A I left household goods.

Q What were they? A Chairs and a stove.

Q When did you leave them there? A I left them there when I went back.

Q Who did you leave them with? A Mr. Ozier.

Q Now, what would be the value of those chairs and stove?

A I don't know.

Q How many chairs? A There was, I think maybe dozen and a half of chairs.

Q And a stove? A Yes, sir.

Q Cook stove? A No, sir, heating stove.

Q Whom did you purchase the farm of? A B. D. Pennington.

Q How much farm was it? A Something over 200 acres.

Q At that time? A Yes, sir.

Q In cultivation? A No, sir, I don't think there was that much in cultivation.

Q How much in cultivation? A About 50 acres.

Q You have had it leased ever since? A Yes, sir.

Q You have never got any rents from it? A No, sir.

Q It had a lease on it when I got it.

Q What did you give for it? A Fifty dollars.

Q It has been under lease for 17 or 18 years? A Yes, sir.

Q What year did you get it? A I got it when I came here.

Q Have you a copy of the Bill of Sale? A Yes, sir.

Q Let's see it?

Q Did you go out on the place? A Yes, sir.

Q You saw it then did you? A Yes, sir.

Q Never been turned over to it? A No, sir.

Q White man has been in charge? A Yes, sir.

Augustus L. Rogers, et al.--3.

COM'R NEEDLES: You say, Mr. Rogers, these children are all living at this time? A Yes, sir.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A She is not by blood.
Q She is a white woman? A Yes, sir.
Q You don't apply for your wife? A No, sir, I haven't.
Q Where are these children living now, in the state of Georgia?
A Yes, sir.

Com'r Needles: Augustus L. Rogers applies for the enrollment of himself and six children, to-wit: Mary M. John W., Ruth A., Robert C. James C. He cannot be identified upon any of the rolls of the Cherokee Nation. Upon examination of the records of this Commission it is found that on the 28th day of September, 1896, on page 411, Docket "B", the said Augustus L. Rogers applied for the admittance of himself and family under the provisions of the Act of June 10th, 1896, and that himself and children, as enumerated herein, were admitted as citizens by blood; the judgment stating that they had been admitted by the act of Cherokee Council on the 8th of December 1895. The testimony develops the fact that the said Rogers has not resided in the Cherokee Nation since that date, and that he did not reside here on the 28th day of June, 1898. For further facts as to his residence reference is made to his testimony. Said Augustus L. Rogers and his six children will now be listed for enrollment as Cherokee citizens upon a doubtful card awaiting further consideration of the Commission.

---5000 0000---

J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Fosson

Subscribed and sworn to before me this November 8th, 1901.



Commissioner.

100-443887-100

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

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100-443887-100

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 8, 1902.

In the matter of the application of Augustus L. Rogers for the enrollment of himself and children as citizens of the Cherokee Nation.

Applicant represented by W. H. Harrison.
Cherokee Nation represented by W. W. Hastings.

The applicant in this case and his attorney, J. D. Cox, Wagoner, I. T., were notified by registered letter March 5, 1902, that the application of Augustus L. Rogers for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22nd day of March, 1902. On said date the case was continued by agreement until the 5th day of April, 1902. The same being this 5th day of April, 1902, called, the applicant appears by W. H. Harrison, representing J. D. Cox.

COMMISSION: Is there any statement you desire to make relative to this case?

MR. HARRISON: We desire, if your honor please, to file a brief for Mr. Cox, and also to ask for time within which to file a supplemental brief.

The attorney for the applicant files ~~and desires~~ a brief in the case, and requests and will be granted thirty days in which to file a supplemental brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

The attorney for the applicant and the representatives of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

Copy
No 1248 D.

Augustus L. Rogers, Clerk

⁷⁸
The Cherokee Nation.

Chief ^{Ex} Argument.

23 1902
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COMMISSIONER
U.S. DEPT. OF THE INTERIOR

Shannon & Harrison
J.D.C. & -
Attys for Applicants.

James Thomson
J.D.C. or
Atty in Appellate.

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J.D.C. or
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE COMEST DIVISION.

No. 12482.

Augustus L. Rogers et. al.

vs.

The Cherokee Nation.

BRIEF AND ARGUMENT.

We respectfully submit that a proper determination of the question of the right of applicants herein to citizenship in the Cherokee Nation, involves the consideration of the following propositions, namely:

First: What is citizenship? Second: Who is a citizen? Third: How is citizenship acquired? and Fourth: How citizenship is lost.

Citizenship is the state of being vested with the rights and privileges of a citizen. (3 Vol. Am. & E. Encl. of Law, 2nd. Ed., p. 15.)

Applying this definition to the case at bar, to deny to Augustus L. Rogers and his children the rights and privileges of a Cherokee citizens would be to admit that not only was the departure of Augustus L. Rogers from the Cherokee Nation an act of emigration, that he had quit this country (Cherokee Nation, Indian Territory.) with the design and intention to settle, and to remain, in the State of Georgia, but that while in the State of Georgia he was, to all intents and purposes, a citizen of that State, owing allegiance, service and money, by way of taxation, thereto.

(3rd. Vol. Am. & E. Encl. of Law, 1st. Ed., p. 243.)

The record in this case discloses clearly and truthfully the reasons which induced the change of residence, not citizenship, from the Cherokee Nation to the State of Georgia, which, we submit, absolutely preclude the presumption of citizenship in the State of Georgia, and establishes, beyond question, the status of the applicant, the said Augustus L. Rogers, as a mere sojourner in that State.

A citizen is one who, by birth, naturalization or otherwise, is a member of an independent, political society, who owes to government allegiance, service, and money by way of taxation, and as such is subject to its laws and entitled to its protection in the enjoyment of civil or private rights.

In what instance, we submit, is it shown by the record in this case that the said Augustus L. Rogers exercised the rights and privileges of a citizen of the State of Georgia? Did he vote? Did he hold office? Did he claim to be a citizen of Georgia? Did he perform road service? Did he serve the State as a juror? Did he pay a poll tax to the State? These questions are pertinent in the consideration of the status of the said Augustus L. Rogers as a citizen of Georgia.

The record shows a positive, absolute, denial of the assumption by the said Augustus L. Rogers of the rights and privileges of citizenship of the State of Georgia, nor has any testimony been introduced by the Cherokee Nation to prove the contrary.

If not a citizen of Georgia, the said Augustus L. Rogers, must be held to have been a citizen of the Cherokee Nation, having formerly been admitted and enrolled as such, and not having abandoned his rights as a Cherokee citizen he must still be considered and adjudged to be a citizen of the Cherokee Nation.

Citizenship in the Cherokee Nation is acquired by birth, adoption and enrollment.

Can it be denied, upon the proof submitted in this case, that the said Augustus L. Rogers, prior to the date of his removal to Georgia, was a Cherokee citizen and therefore entitled to the enjoyment and exercise of all the rights and privileges of a citizen of the Cherokee Nation?

Being a citizen of the Cherokee Nation at that time, in what way, and for what reason, has his rights been forfeited?

He lived in the Cherokee Nation, was a recognized citizen, exercised the privileges of a citizen, owned property, and by the laws of the Cherokee Nation was protected in the use and enjoyment thereof.

But it is contended ^{that} he left his native country and went into a foreign State, which fact, it is urged, was sufficient to cause the loss of citizenship.

Citizenship once acquired can be lost only by expatriation, and by marriage in the case of a woman. Expatriation is the voluntarily renunciation of ones nationality and allegiance by becoming a citizen of another country. Vol. 6. Am. & S. Encl. of Law Sci. Ed. p 30, and the effect is to divest the citizen expatriating himself both of his obligations and his rights as a citizen; he thereby becomes an alien.

The Santissima Trinidad, 1st. Brock (U.S.) 478.

There must be actual emigration, coupled with facts indicating an intention to transfer ones allegiance. In fact, expatriation can not be affected without removal from the country under circumstances of good faith. Such removal must be without intent to return, and must be accompanied either by an act of naturalisation in the foreign country, or acts and words from which a renunciation of the former citizenship and adoption of the new may be implied.

The Santissima Trinidad, 7 Wheat- (U. S.) 347.

Comitis v. Parkinson, 56 Fed. Rep. 556.

14th. Opp. Atty.- Gen. 225.

"There is no prescribed mode of renunciation of citizenship. If a citizen of the United States, native or naturalised, emigrates, carries his family and effects with him, takes up his permanent residence abroad, and assumes the obligations of a subject of a foreign Government, this implies a dissolution of his previous relations with the United States and puts an end to his citizenship". Opinion of Attorney General Black, 9 Opp. Atty.- Gen. 62.

How can a citizen of the Cherokee Nation expatriate himself

"The right of expatriation is inalienable and extends to individuals of the Indian race." (U.S. Ex-rel. Standing Bear vs. Grant, 5th. Dill. 453.)

"A change of domicile is not alone sufficient. There must be a renunciation of allegiance to the one and a purpose of making a home and becoming a citizen of another country". East

4.

In the Cherokee Nation the exercise of the right of expatriation is governed by constitutional enactment, defining and providing what shall constitute expatriation from that Nation, as follows:

"Whenever any citizen shall remove with his effects out of the limits of this Nation and become a citizen of any other Government, all his rights and privileges as a citizen of this Nation shall cease. He must not only remove his effects out of the Cherokee Nation, but he must become a citizen of another Government. (Opinion of Assistant Attorney General Little, 8th. Annual Report of the Commission to the Five Civilized Tribes to the Secretary of the Interior, page 205.)

We submit that applicant's removal to Georgia was but a change of domicile, and that in no instance does the record support the theory of expatriation, and that upon the law and the testimony in this case the applicant is entitled to the exercise and enjoyment of all the rights and privileges of a citizen of the Cherokee Nation.

Respectfully submitted.

Thomas E. Harrison

J. D. Clark
Attys. For Applicants. ---

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T. June 11th 1902.

In the matter of the application of Augustus L. Rogers et al for
enrollment as citizens of the Cherokee Nation.
Cherokee D 1248.

Brief of the Cherokee Nation.

The testimony in this case shows that Augustus L. Rogers was admitted to citizenship in the Cherokee Nation by the Commission in 1896; that prior to that time he had lived in the state of Georgia where he was born; and where he was married and where all of his children except the last two were born. They came to the Cherokee Nation in March 1896; his family remained here about four months during which time in May his wife was confined giving birth to twin children and that he himself returned within about six months to the state of Georgia.

There is some testimony that the health of his wife was not very good but we are not surprised at that; the health of no woman is good at the time she gives birth to twin children and the testimony shows that a physician at Chelsea advised her to change climate or to move around some what. There is no testimony that her health was permanently injured nor is there any testimony that the health of the husband or any of the six children is bad.

The truth of the matter is that this family came here, were dissatisfied with the location remained about six months and went back to the state of their nativity where their home had previously been and where their friends and relatives were.

It is true that the applicant says that he didn't vote out there and for that matter you never get an applicant to admit that he voted out in the state of Georgia or any other state and for the Commission to undertake to refute that would be a task entirely too difficult for the Commission to undertake.

Section twenty-one of the Curtin Bill provides:

" No person shall be enrolled who has not heretofore removed to

and in good faith settled in the Nation in which he claims citizenship."

Now Rogers and his family at the time he was ~~admitted~~ had removed back to the state of Georgia where they were living and they never have complied with this section of the Curtis Bill.

We submit that ~~it is~~ not see how under this provision of the law that the Commission would be justified in enrolling this family.

Respectfully submitted,

J. C. S.

W. W. Hastings
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Augustus L. Rogers for the enrollment of himself and children, Mary M. Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 29, 1901, Augustus L. Rogers appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and children, Mary M. Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 5, 1902.

The evidence shows that the applicant, Augustus L. Rogers, together with his family, moved to the Cherokee Nation from the State of Georgia in 1894. From the records of the Commission, it appears that the said Augustus L. Rogers and children, Mary M. Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, filed their original application under the Act of Congress approved June 10, 1896 (29 Stats., 321), with the Commission to the Five Civilized Tribes for admission as citizens by blood of the Cherokee Nation, which application was granted by the Commission and no appeal taken therefrom.

The evidence further shows that the said Augustus L. Rogers and children, Mary M., John W., Louise E., Ruth A., Robert C., and James C., removed to the State of Georgia in the year 1896, where they have since resided; that they were not residing in the Indian Territory on June 28, 1898, nor at the date of this application.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Augustus L. Rogers for the enrollment of himself and children, Mary M. Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

IN THE DEPARTMENT OF THE INTERIOR,
WASHINGTON, D.C.

---ooOoo---

In re)
Application for the enrollment of :
Augustus L. Rogers et al as citizens)
of the Cherokee Nation, No. Cherokee :
D. 1248.)

---ooOoo---

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and respectfully protests against the motion made on behalf of the applicants for the review of the above case because no good reason is shown why the Commission to the Five Civilized Tribes and the Secretary of the Interior heretofore rendered in the above case should be set aside.

It is urged on behalf of the applicants that they only temporarily removed to the State of Georgia, when on the other hand the evidence clearly shows that they never were permanent residents of the Cherokee Nation. Augustus L. Rogers testifies that he came here in March, 1896, presumably to make application to the Commission to the Five Civilized Tribes for enrollment in that year. His wife remained here about four months and he remained here about six months, which would have made him return to the State of Georgia about September, 1896, or before any decision was rendered by the Commission to the Five Civilized Tribes admitting him to citizenship in that year. Since that time he and his family have been contiguous residents of the State of Georgia and we must urge that it is folly in this case for the attorneys for applicants to say that they are only temporarily residing in the State of Georgia when the testimony is so clearly, convincing, and conclusive, that they never resided elsewhere than in the State of Georgia.

They never acquired any rights in the Cherokee Nation to for-

felt, they never perfected their claim by moving here. Their admission in 1896, by the Dawes Commission is no stronger than an admission by the Cherokee National Council or some Cherokee Court having jurisdiction.

It matters not by what tribunal they were admitted, citizenship would not attach to them without their removal to and permanently locating in the Cherokee Nation.

In-as-much as we have heretofore briefed this case, and in-as-much as the Commission has been sustained by the Secretary of the Interior we deem it unnecessary to say any more, other than to refute the assertion made in the motion filed on the part of the applicants, that this case is parallel to the Yeargain case. There is nothing uncommon in the two cases, the Yeargain boys always lived in the Cherokee Nation until about the year 1896 and their names are found on every roll made of the Cherokees from 1880 to the present time; they always voted in the Cherokee Nation and were always recognized by the Cherokee authorities as citizens thereof: whereas, the applicants in the case at bar never lived in the Cherokee Nation and were never recognized as citizens thereof and are at present living in the distant State of Georgia and they never have expected to return to the Cherokee Nation. They applied to the Dawes Commission in 1896 in order to participate, if possible, in a division of Cherokee lands and in a distribution of Cherokee moneys, in other words, they desired to be citizens of the Cherokee Nation for revenue only.

We submit that it would be doing the Cherokee people and injustice to re-open this case, and that therefore, for the reasons above stated the motion should be denied.

Respectfully,

W. W. Hastings *per*
Attorney for the Cherokee Nation.

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MAY 20 1904

Received of

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Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I. T., May 6, 1904.

In the matter of the application of AUGUSTUS L. ROGERS for the enrollment of himself and his children, MARY M., JOHN W., LOUISE E., RUTH A., ROBERT C. and JAMES C. ROGERS, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

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Appearances:

Applicant appears in person;
J. D. Cox appears for applicants;
W. W. Hastings and J. C. Star appear for Cherokee Nation.

AUGUSTUS L. ROGERS, being duly sworn, and examined, testified as follows:

By the Commission:

- Q What is your name? A Augustus L. Rogers.
Q How old are you? A 54 years old.
Q What is your postoffice address? A My postoffice address here is Chelsea.
Q What is your permanent address? A That is my permanent address here.
Q Your permanent address in the United States? A Sheltonville, Georgia.
Q Where will mail reach you if you are written some time in the future? A Chelsea.
Q You won't be at Sheltonville any more? A No sir.
Q You heretofore made application for the enrollment of yourself and your minor children, Mary M., John W., Louisa E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, have you not? A Yes sir.
Q How do you claim to have acquired rights in the Cherokee Nation?
A Through my father.
Q Were you born a citizen or were you readmitted? A Readmitted.
Q When were you readmitted? A Well sir, I don't know as I can tell the exact date.
Q Were you admitted by this Commission in '96? A I was readmitted, by the Cherokee Council; I don't remember the date.
Q Then you were afterwards readmitted by this Commission?
A Yes sir.
Q In 1896? A Yes sir.
Q When you were readmitted by the Cherokee Council, where were you?
A I was in Georgia.
Q When did you come to the Cherokee Nation then? A In 1895.
Q That was the same year you were admitted, wasn't it? A No sir, I don't think it was.

- Q How long did you stay then? A I stayed here 8 or 9 months.
Q Then where did you go? A Carried my family back to Georgia.
Q You brought your family here? A Yes sir.
Q Then how long did you stay in Georgia? A Well, I've been back and forth since then.
Q How long did you stay before you made your first trip back to the nation? A Well sir, I don't remember; I think it was a year perhaps.
Q Then you came back to the Cherokee Nation? A Yes sir.
Q Was your second trip back here before or after you were admitted by the Dawes Commission? A It was after.
Q How long after? A No sir, it was before.
Q How long before? A Well it was when I made application to the Dawes Commission.
Q That was in the fall of 1896? A Yes sir.
Q Did you bring your family with you then? A No sir.
Q Just came alone? A Yes sir.
Q How long did you stay then? A I stayed about 2 months.
Q Then did you go back to Georgia? A Yes sir.
Q Your family had remained in Georgia all the time? A Yes sir.
Q Then how long did you stay in Georgia that time? A I staid there then about 2 years.
Q Staid there till about 1898? A Yes sir.
Q Then did you come to the Cherokee Nation again? A Yes sir.
Q Did you bring your family with you? A No sir.
Q Just came alone? A Yes sir.
Q How long did you stay that trip? A I stayed 3 or 4 months.
Q Then you went back to Georgia? A Yes sir.
Q Then how long did you stay there that time? A I stayed until I was notified by the Commission that I had been rejected.
Q When was that, in November, 1902? A Yes sir.
Q Didn't you come to Chelsea in 1900 and make application for enrollment? A I don't remember.
Q The record shows that on October 29, 1901, you made application at Chelsea for enrollment; were you there, or do you remember it?
A Yes sir, I was there when I made the application.
Q How long were you there before you made application? Did you come from Georgia to Chelsea for the purpose of making that application? A Yes sir.
Q How long did you stay at that time? A I stayed a month.
Q You didn't bring your family, did you? A No sir.
Q Then you went back to Georgia? A Yes sir.
Q Stayed how long then? A Until I came back this time.
Q When did you come back this time? A I came last Friday, a week ago; two weeks ago.
Q From soon after October, 1901, until about two weeks ago then, you were in Georgia? A Yes sir.
Q Your family, Mr. Rogers, have never been here but one time, according to your statement? A No sir.
Q That was in 1895 about the time you were readmitted here by the Cherokee Council, was it? A I think it was about that time.
Q And they stayed about 9 months then? A Yes sir.
Q Are your family here now? A No sir.
Q Are they in Georgia? A Yes sir.
Q When they were here, did you keep house? A Yes sir.
Q And when they were not here, how have you gotten along? Have you boarded? A Yes sir.
Q When you brought your family here in 1895, did you have a house back in Georgia that you left there? A No sir.
Q You brought all your furniture here then? A Yes sir.
Q When you and your family when back, did you take your furniture with you? A Part of it we did.

- Q Did you leave any of it? A Yes sir.
- Q What did you leave? A A stove and some bedsteads, and some chairs.
- Q Where did you leave them? A Chelsea.
- Q With whom? A Mr. Delozier.
- Q Did you sell them to him? A No sir.
- Q What was he doing with them for you? A He was taking care of them.
- Q How many chairs? A I think it was half a dozen chairs and 2 or 3 rockers.
- Q How many stoves? A One heating stove.
- Q How many bedsteads? A One.
- Q Leave any bedding? A No sir.
- Q Where is that furniture now? A It's up there.
- Q Is he using it? A Taking care of it.
- Q Has he used it? A Not that I know of.
- Q Has he got it packed away for you? A I suppose so.
- Q Have you ever seen it since you left it there? A Yes sir.
- Q When was the last time you saw it? A I saw it when I was back there.
- Q This last two weeks? A No sir, when I made application to the Dawes Commission.
- Q Well, Mr. Rogers, that was a very small part of the furniture you owned, was it not? A Well sir, I don't own a great deal.
- Q That was a very small portion of what you had, was it not? A It was about a third I suppose.
- Q You have bought other furniture back in Georgia to take its place, have you not? A Yes sir.
- Q What do you propose to do with this furniture here? A Use it when I bring my family back.
- Q When will you bring them back? A Soon as I find out the result of his application.
- Q Have you any definite time fixed now for bringing your family back? A Well, I propose to bring them back this fall.
- Q Provided of course you are enrolled? A Well sir, I am coming anyway.
- Q Have you any other property in the Cherokee Nation except these chairs, stove and bedstead? A I have a farm up there.
- Q When did you buy that farm? A I bought it while I was here.
- Q When? A It was when I had my family here.
- Q Did you draw the strip payment? A No sir.
- Q How many acres are there in the place? A I don't know sir, how many there is.
- Q Where is the place? A 3 miles east of Chelsea.
- Q Well, about how many acres? A Well sir, I suppose there's 150 acres.
- Q Do you know the township, range and section numbers? A No sir.
- Q Have you farmed the place or have you rented it? A It was under lease when I bought it.
- Q Whom did you buy it from? A Mr. Pennington.
- Q Is he a Cherokee? A I think he's an adopted citizen.
- Q You think he is an intermarried white? A Yes sir.
- Q Well, has the lease expired? A Yes sir, it has expired.
- Q When did the lease expire? A A year ago, I think sir.
- Q When did the lease expire? A A year ago, I think, sir.
- Q Did Mr. Pennington have the lease on it? A He had control of it.
- Q The lease expired subsequent to the 90 days after the passage of the Cherokee Treaty, that is, subsequent to the time within which excessive land holders could dispose of their excess holdings, did it not? A Yes sir.
- Q Mr. Pennington held the lease up to about a year ago? A Yes sir.
- Q You gave him a lease on the place for the place? A No sir,

- he had a lease on the place before I bought it.
- Q I think you stated you bought it from Mr. Pennington? A I did.
- Q How could Mr. Pennington be the owner of, and have a lease on it at the same time? A He had a clear lease on it and sold me the place.
- Q Well, when he owned it, who leased it? A He bought it from another man I suppose and took a lease on it, or give a lease.
- Q What have you done with the place since the lease expired?
- A I haven't done anything.
- Q Have you received any rent from that place? A No sir.
- Q Either in crops or cash? A No sir; I received one payment from the man that was on it.
- Q When was that? A That was the next year after I bought it.
- Q Is anybody on the place now? A No sir, I think not.
- Q Is it just lying out? A Yes sir.
- Q Are there any improvements on it? A There was a little cabin on it.
- Q Well, is the cabin there now? A It was when I saw it last.
- Q When did you see it last? A When I was up there last time.
- Q When did you mean by the "last time"? A When I was before the Dawes Commission.
- Q Was there anybody living in the house then? A Yes sir, this same family was in it.
- Q This Pennington family? A No sir, the man that had it leased.
- Q Well, did this man have it leased from Pennington or you?
- A He had it leased from Pennington.
- Q Well, how did you derive your ownership over this place if Pennington owned it and continued to control it? A There was a lease to run 7 years when I bought the place from Mr. Pennington; he held the lease from a man named Taylor.
- Q Was Taylor a citizen? A I don't know whether he was or not.
- Q What was his full name? A I don't know that.
- Q Is Taylor still on the place? A I don't think he is; I don't know.
- Q You don't know who is on it? A No sir.
- Q You don't know whether the improvements have all been taken away or not? A If they have been, it's been since I was away.
- Q Well, they could have been? A Yes sir.
- Q You have never gotten any rent? A Except this one payment, no sir.
- Q Who made you that payment? A Mr. Taylor.
- Q How did he happen to make you that one payment and no more?
- A Well, that is all I could get out of him.
- Q He held the place and refused to pay you rent then? A No sir.
- Q Well, he didn't pay you rent? A No sir.
- Q And he continued to hold the place? A Yes sir.
- Q And you don't know whether Taylor is a citizen or not? A No sir.
- Q Give me the location of that place as near as you can; I want to see what our improvement plats show? A 3 miles east of Chelsea.
- Q You don't own any land down southeast of Choteau, do you?
- A No sir.
- Q If there is some land listed to A. L. Rogers in that neighborhood that is not your land then? A No sir.
- Q Do you know the name of this man Taylor that is on that place?
- A No sir.
- Q Did Taylor claim that land for himself? A He was a claimant I suppose; I heard afterward he was.
- Q You understood then that he was disputing your title? A Yes sir.
- Q And he disputed it so successfully that he held the land and didn't pay you any rent for it? A He was holding it under a lease.

- Q But he was claiming it for his own? A Yes sir.
Q And he didn't pay you any rent? A No sir.
Q You had no other farm except that one, did you? A No sir; I have a farm upon Caney which I authorized Mr. Cox to buy for me.
Q When did you authorize him to buy it? A When I was here last time.
Q In 1901? A Yes sir.
Q Did he buy? A Yes sir.
Q Do you know where that land is located? A No sir, I don't know where it is located.
Q Have you got any rents from that place? A No sir. I have a bill of sale.
Q Do you know who is in possession of that place? A No sir.
Q Is it an improved place? A Yes sir, there's a box house on it and 35 acres in cultivation.
Q Is a man living there? A Yes sir.
Q Does he pay you rent for the place? A No sir; he's under an agreement.
Q An agreement with you? A Mr. Cox.
Q What sort of an agreement? A He is to hold the place for putting the improvements on it.
Q What is his name? A I don't know, sir, what is his name.
Q Have you ever been on that place on Caney? A No sir.
Q Ever get any rent from it? A No sir.
Q Does anybody else claim that land? A Not that I know of.
Q Did you ever hear of anybody else claiming it? A No sir.
Q Is Burton a citizen, the man you bought this place from?
A I don't know, sir, Mr. Cox made the deal for me.
Q You say Mr. J. D. Cox represented you in the transaction?
A Yes sir.
Q You don't know anything about the place yourself, you authorized him to make the trade? A No sir.
Q Have you put any money into the place to improve it? A Yes sir.
Q Whose money was it? A It was for me.
Q Was it your money? A I was responsible for it.
Q You owe Mr. Cox for the money he put on it? A Yes sir.
Q You never have paid out any money on the place yourself?
A No sir.

By J. D. Cox:

- Q Mr. Rogers, why did you remove your family from the Cherokee Nation? A On account of my wife's health.
Q Was you instructed by anyone to do so, if so by whom? A By my family physician, Dr. Dixon.
Q What was the condition of your wife's health at the time you left here?

Commission: Mr. Cox, that has been brought out very thoroughly in the testimony taken in this case on October 31, 1901.

- Q Did you remove your family from the Cherokee Nation with the intention of abandoning the Cherokee Nation? A No sir.
Q Did you acquire citizenship in Georgia or anywhere else? After you left the Cherokee Nation? A No sir.
Q Have you ever served on the jury? A No sir.
Q Have you ever held office or voted in the State of Georgia?
A No sir.
Q Have you ever paid taxes since you went back to Georgia?
A No sir.

Q Where has your home been since 1895?

Commission: The question of where his home has been is a legal question. We have had him to state where his actual and physical existence has been.

Q Have you been subpoenaed on the jury in the State of Georgia since you went back in '95? A Yes sir, I've been subpoenaed, but never served.

Q Why didn't you serve? A Because I didn't claim citizenship there.

Q Were you rejected for the reason that you claimed citizenship in the Cherokee Nation? A Yes sir.

Q How often? A Well, until they found out I wouldn't serve and took my name out of the jury box.

Q Have you any property in Georgia at all? A No sir, nothing more than household goods.

Q Did you state you came to the Cherokee Nation to stay? A Yes sir.

Q When did you state you expected to move your family? A Just as early as I can conveniently do so.

Q At all events, I believe you stated that you intend to move some time during the year? A Yes sir.

Q Were your children all married at the time you went back to Georgia from the Cherokee Nation in '95? A Yes sir.

Q Children all married were they? A Yes sir.

Q Whom did you leave in the Cherokee Nation to look after your farm at Chelsea? A Left you.

Q Do you expect to file on that farm in case your citizenship is approved? A Yes sir.

Q At the time you left a portion of your furniture with Mr. Deloxier did you leave it with the intention of returning when your wife regained her health? A Yes sir.

Q Well, has that been your intention at all times? A Yes sir, it's been my intention at all times.

Q What is the condition of your wife's health now? Is it improved or not? A Yes sir, it's improved; not entirely well, but I think enough so that she can come back.

Q Are you going to make a crop in the Cherokee Nation this year? A Yes sir.

Q Where? A Up at my cousin's, Roger's.

By the Commission:

Q Is that crop you intend to make, are you going to make that at Chelsea or Caney? A No sir.

Q Going to rent ground from another citizen? A Yes sir.

BY J. D. Cox:

Q Going to make a short crop? A Yes sir.

Q Are you able to prepare yourself to farm either of these places? A No sir.

Q I believe you stated you arranged with me to buy a farm that you wanted me to buy in 1901? A Yes sir.

Q You were notified soon after that I had bought it, were you not? A Yes sir.

By W. W. Paddings:

- Q Your wife has some relatives back in Georgia? A Yes sir.
Q They live around where she now lives? A No sir.
Q How far do you live from them? A About 25 miles, 40 miles.
Q Did they live near you before you came out here in '95?
A No sir.
Q How far from them did you go when you returned to Georgia?
A I went about 40 miles.
Q You went back over the train? A Yes sir.
Q Did you take any of your bedding with you on the train?
A Yes sir.
Q Your bedsteads and stoves you could not conveniently take with you, could you? A Well, we took one stove, cook stove, and one or 2 bedsteads.
Q And you found it would cost you more to take these others than it would be worth? A No sir.
Q You have been away from here 9 years haven't you? A Yes sir.
Q Now don't you know as a matter of fact, that that small amount of furniture was not saleable and you could not get anything for it at that time? A No sir; it was furniture I didn't want to dispose of.
Q What do you do in Georgia? A I've been working at farm work and dairy work; anything I could get to do, sir.
Q How old is your youngest child? A 9 years old, sir.
Q Was your wife's health bad before you came out here? A No sir.
Q You only staid here 8 or 9 months and her health became very bad?
A Her health was such, after she staid here, that she had to go back.
Q And she has not regained it fully in 9 years? A No sir.
Q Still you testify that her health was good when she came here first and then in 9 months her condition became very bad; still, not havin g yet regained it, you testify before the Commission that at all events she is to be brought back here this year?
A Yes sir.
Q That is, regardless of the state of her health? A No sir, she has not entirely regained---
Q I say you are going to bring her back here regardless of her health? A Well, I expect to bring her back if she be in such condition that she can come back.
Q Did you live in town or on a farm in Georgia? A In town and on a farm too.
Q Did you ever vote in Georgia? A Yes sir, before I came out here.
Q First time? A Yes sir.
Q Never did vote at municipal elections? A No sir.
Q Never attempted to vote? A No sir.
Q You never saw Dr. S. Burton, did you? A No sir.
Q You don't know then that he is a non-citizen, do you? A No sir.
Q You don't know that he is a white man? A No sir.
Q You never saw that place? A No sir.
Q You haven't been up around Chelsea in the last 2 weeks? A No sir.
Q Where have you been? A Came here and went over to Wagoner.
Q You never thought enough of your farm and farming prospects east of Chelsea to go up there and look after it in the last w weeks? A Why, I never had time, I came back down here.
Q Well you haven't been on it have you? A No sir.
Q You haven't even made inquiry as to who lived on it? A Yes sir, did that several days ago.
Q You never ascertained? A No sir.
Q There is no tenant in charge of it for you is there? A No sir.

- Q Your wife never came back here since you left here in '95?
A No sir, she has not come back.
Q Now, as a matter of fact, you never were here but the one time since you applied to the Dawes Commission in '96, and that was when you came to apply in 1901 at Chelsea? A I applied to the Commission at Chelsea and went before the Commission at Vinita.
Q Well, you were never here except to go before the Commission to make application for enrollment except in '96? A Yes sir, I have been here before.
Q Well now, when was it? A I don't remember the exact date; and I am not certain that I was here.
Q Are all of these children living with you now? A Yes sir.
Q Any of age? A Yes sir.
Q Any of them married? A Yes sir.
Q All make their home with you? A Yes sir.
Q Does your wife own any home in Georgia? A She owns a little place there.
Q A farm? A Small farm.
Q How many acres? A She owns 40 ~~xxx~~ acres.
Q No more? A No sir.
Q How long has she owned it? A She's owned it for 20 years or more.
Q Does she own a house in town? A No sir.
Q How far is this farm of 40 acres from town? A Well, it's 3 miles from one town, the nearest railroad station, and about three miles and a half from another one; 25 miles northeast of Atlanta.
Q Now isn't it a matter of fact that when you came here in '95 your wife became dissatisfied as well as yourself and you went back to Georgia? A She became dissatisfied on account of her health.
Q And she really insisted on going back to her old home in Georgia?
A She insisted on my taking her back.
Q You went back to the same place from whence you came? A Yes sir.
Q And she is living there to-day? A Yes sir.

By the Commission:

- Q Well, Mr. Rogers, did you ever vote in the Cherokee Nation?
A No sir.
Q Did you ever hold any office in the Cherokee Nation? A No sir.
Q Did you ever exercise any of the privileges of a citizen of the Cherokee Nation? A My children went to school.
Q To a Cherokee school? A Yes sir.
Q For one term? A Yes sir.
Q Since you were admitted by the Commission in '96 your children have not gone to school? A No sir.
Q And you have not voted? A No sir.
Q You speak of having been excused from jury service in the State of Georgia because of your claim that you were not a citizen there? A Yes sir.
Q When was that? A That was when the courts convened.
Q What year? A I can't tell exactly, but 2 or 4 terms of the court.
Q Was it 10 years ago? A No sir.
Q When was it? A After I went back to Georgia.

By J. D. Cox:

- Q I believe you were asked by Mr. Hastings whether you knew Dr. Burton was a citizen of the Cherokee Nation or not?
A I said that I didn't know.

- Q I believe you stated that your wife owned the little place in the State of Georgia? A Yes sir.
- Q How much, if any, of the time have you farmed that place since you went back? A We have lived there 2 years, I think, or 3 years, and rented land in connection with that place.
- Q Have you lived at other places since that time? A Yes sir.
- Q Have you moved to different places for the benefit of your wife's health? A I have moved.
- Q What have you moved for? A I moved to make a living.
- Q I believe you stated that you worked at whatever you could get to work at? A Yes sir.
- Q Oh, Hastings asked if you intended to bring your wife back this fall regardless of her health; do you intend to bring her regardless of the condition of her health? A No sir, if her health is such that I can't bring her, of course I won't do it.
- Q But if her condition gets no worse than it is now, you propose to bring her back this fall? A Yes sir.

By the Commission:

- Q Mr. Rogers, the contract you had with Mr. Cox, under which he acquired this land for you from Dr. Burton, you say was entered into in 1901? A That's when I was out here before the Dawes Commission the last time, sir.
- Q Is Mr. Cox a citizen? A No sir.
- Q What did you pay him for getting this land for you? A I paid him a lawyer's fee.
- Q Did you give him a lease on the land as security for his fee? A No sir.
- Q He doesn't hold any lease on the land at all? A No sir.
- Q You paid him the fee in cash? A Yes sir.
- Q You didn't give him a note for it? A No, I am to give him a note for the balance.
- Q Have you ever paid him any cash at all? A Yes sir.
- Q How much? A I paid him---I don't exactly remember how much---thirty or forty dollars.
- Q And he was the man who made the trade for the Burton place for you? A Yes sir.

By J. D. Cox:

- Q I will ask you who bought the place east of Chelsea? A I did.
- Q How much did you pay for that place? A I paid Mr. Pennington fifty dollars.
- Q What did you pay him? A I paid him the money.
- Q Well, you said something about a lease on that place; I will ask you who had that lease? A Well, Pennington.
- Q Was the lease given at the time you bought the place? A Yes sir, the lease was in force then.
- Q And was to run how long? A 7 years.
- Q I believe you said that Taylor was a claimant to citizenship? A Yes sir, I heard that he was.
- Q How much did Taylor pay you on the rents that were paid? A He paid me \$20.00 I think it was.

By W. W. Hastings:

- Q Did he pay that to you? A He paid it to Mr. Cox.
- Q Never paid you anything? A No sir, Mr. Cox received it.
- Q And that was the fee you paid Mr. Cox? A I paid him some besides that.
- Q How much? A 20 or \$30.00.

Q You authorized Mr. Cox to buy a place for you after you appeared before the Commission and were rejected, didn't you? A Yes sir.

By J. D. Cox:

Q You didn't know, at the time you authorized me to buy the farm, that you were rejected? A No sir.

Q Didn't you authorize me to buy a farm the same time you went before the Commission in 1901? A Yes sir.

-----o-----

J. D. COX, being duly sworn and examined, testified as follows:

By the Commission:

- Q What is your name? A J. D. Cox.
- Q How old are you? A 42 years old.
- Q What is your postoffice address? A Wagoner.
- Q You represent Augustus L. Rogers as his attorney? A Yes sir, I have represented him since 1896.
- Q He has testified that in 1901 he authorized you to buy a place for him in the Cherokee Nation? A Yes sir.
- Q He supposed that you bought about 35 acres from one S. Burton? A Yes sir.
- Q Is that the only land you bought for him? A Yes sir.
- Q Where is that land? A That land is about 8 miles southwest of Oolagah and about 6 miles northeast of Collinsville; I would take it to be about that distance.
- Q Do you know the numbers of that land? A I do not, but it joins John Abercrombie's place.
- Q Is that Summers Burton? A I don't know; it is Dr. S. Burton.
- Q Is he a citizen of the Cherokee Nation? A I think he's a citizen by adoption. His wife is a citizen.
- Q Who is in possession of that place now? A I don't know who is in possession of it now, but the cashier of the Collinsville Bank bought this place for Burton about two years ago and was to have possession of the place two years for paying the purchase money.
- Q He continued to hold possession until his time was up? A Yes sir.
- Q And while he was in possession you bought it for Rogers? A Yes sir.
- Q What did you pay Burton? A I was to pay him \$250.00.
- Q Have you paid it? A Not all; I had some legal business for Burton and paid part of the price.
- Q How much is still due on the place? A \$125.00.
- Q The \$125.00 paid was paid in legal service that you rendered to Burton; is that right? A Yes sir.
- Q Since the time of the cashier of the bank expired, the time he was to hold this place, what has become of it? A It's there; I haven't seen it since the 1st of January.
- Q This year? A Yes sir.
- Q Who farmed it last year? A I don't know the man's name, but the banker's tenant.
- Q The banker's time had not expired? A No. I don't know whether there is anyone on it this year or not, but I think the man on it last year is still there.

- Q You never rented it to anyone after the cashier surrendered possession? A No sir, I tried to but couldn't get a renter for it.
- Q You are in the land leasing business in the Cherokee Nation yourself, are you not? A Yes sir.
- Q And the only payment that was ever made on this place you got from Burton, was \$125.00 which was a payment made by you in the shape of legal services rendered to him? A Yes. I had been doing some business for Burton from time to time I guess for 2 years before I bought this place.
- Q How does Rogers come in on that payment? A Rogers is to pay me.
- Q Has he ever paid you? A No sir, he has not been able.
- Q Has he given you a note for it? A No sir, I haven't seen him since I bought the place until last Sunday morning; I notified him at the time or soon after I bought it. He wanted me to buy more for him.
- Q You didn't know anything about that place near Chelsea? A Yes, I do.
- Q Now Taylor has lived on the place and he was a claimant to citizenship? A He's not exactly lived on the place; I demanded possession of the place at the expiration of the lease and the son-in-law refused to give possession for the reason that he thought they would become citizens.
- Q They hold adverse possession? A Yes sir.
- Q Mr. Rogers has only been in possession through an agent? A The only thing Rogers got out of the place was the rents Taylor paid him.
- Q And after that Taylor refused to attorn to anyone as landlord? A The last was about 1902.
- Q He don't hold the land as lessee? A Taylor himself held it as lessee, but after his death, the son-in-law thought they would acquire citizenship and was going to hold the place until it was determined unless put off by law.
- Q And after that the son-in-law claimed it? A No sir, he didn't claim it, but he said he was going to stay until he -----
- Q He held it as his prospective allotment, did he not? A Well, I suppose that was his intention; he claimed also that he put some fence on one side of the place.

Commission: An index to the improvement plats, showing the land in the Cherokee Nation, fails to show Augustus L. Rogers to be the owner of any improvements in that nation.

By W. W. Hastings:

- Q Mr. Cox, don't you know as a matter of fact that these people went back ~~AK~~ to Georgia because Mrs. Rogers was dissatisfied with living in this country? A Well Mr. Hastings, I don't know whether she was dissatisfied or not; I do know that Dr. Dixon and A. L. Rogers and his brother, Captain Rogers, was in my office and was talking about her condition----

Commission: Mr. Cox, we have had these people testify about all that.

- A If she was dissatisfied, I don't know it.
- Q Did you represent Mary L. Strickland at any time? A No sir, not that I remember of.
- Q Didn't you tell J. C. Starr that the reason why Rogers went back was because his wife was dissatisfied and compelled him to go? A I did not; I never told anybody any such thing.

- Q You never told him that about the Strickland case? A I don't think I ever said anything about the Strickland case, Mr. Hastings; I don't think I ever had a thing to do with it.
- Q Don't you know that this man's name does not appear upon the roll? A No sir, I don't know it.
- Q Why was it that Taylor paid rent in '95 when his lease was not up? A I was after Taylor all the time for the money for the rents, as much for the purpose of compelling him to recognize Rogers as his landlord as anything.
- Q Did you state he had a 7 year's lease on it in '95? A Rogers bought the improvements from Pennington with the understanding that the lease was to run as agreed to between Pennington and Taylor.
- Q Well, why did you collect rent from Pennington? A As I remember it now, the lease didn't begin to run until '96 and he was on the place in '95; it's been a good while ago.
- Q After they refused to pay you rent as agent for Mr. Rogers, you never were enough interested to bring a suit in court? A I didn't think enough of Mr. Rogers' case to advance the money and pay all the expenses of bringing that suit; Mr. Rogers has not had the money to pay me anything on the fee, except the first money he gave me in 1896.
- Q Well, you thought enough of Mr. Rogers' claim to advance your own credit to purchase this place from Burton, didn't you?
- A Yes sir, that I did do.
- Q Well, if you advanced your credit to buy from Burton, why couldn't you institute court proceedings? A Well, in the first place, if I was a citizen of the Cherokee Nation, I wouldn't file on the land I bought up there if they gave it to me.
- Q That is not the question I asked you; I asked, if you would advance money for one reason for him, why wouldn't you advance money for another reason? A If I had thought the place was worth it, I might have done so.
- Q Then you thought the improvements were worthless? A Yes sir, practically worthless; besides, if I had got possession of it, I would have had to advance more money to repair the fence and house.
- Q Then the place was practically abandoned? A It is not abandoned unless it's been in the last few months. Rogers left control of it in my hands.
- Q Well, that means then that you had no control over it at all?
- A You can make your own construction of that.
- Q Have you had absolute control of it at all? A No sir.

By the Commission:

- Q Any other statement you would like to make?
- A I will say that I used every effort in my power, except to bring suit. I have paid his expenses several times to come from Georgia, and I paid a part of his expenses when he was here at least one or two times.

Commission: By agreement of counsel in the case, a statement of what the improvement plats show as to the improvements on the Burton place, will be inserted in the record when a description of that land is furnished.

-----o-----

Suppl. to R-753, (13)

May 6, 1904.

Commission: A plat, filed this day, of the land, referred to in the testimony as the "Burton place", purchased by J. D. Cox for Augustus L. Rogers, shows that land is claimed to be located in the NW/4 of Section 15, Township 22 N., Range 14 E. of the Indian Meridian. The improvement plat of the Commission for that section, made April 22, 1902, shows that practically all of the NW/4, except the NE/4 of the NE/4 of the NW/4, is held by Sumner Burton. Bill of sale, dated October 30, 1902, signed by S. Bruton, confessing improvements on "the quarter of section-----, Township 22 N., Range 14 E." is filed herewith. There is also filed bill of sale from Melvina and Felix Corbin to B. D. Pennington and transfer of same to A. L. Rogers.

Habel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Habel F. Maxwell

Subscribed and sworn to before me
this 10th day of May, 1904.

Simon R. Wackingslick

Notary Public.

MYM

201247
No — D. R 183

N. L. Rogers et al
Applicants for
enrollment as
Citizens of the Cherokee
Nation,

Brief

Jefferson D. Cox,
Atty. for Applicants

Tahlequah I T. August 21st. 1904.

TO Hon. W C Roger, Principle Chief of the Cherokee Nation, or
W W Hastings, Attorney for the Cherokee Nation, You are hereby Notified
that the ~~brief~~ original of which the Brief hereunto attached is
a true copy, wherein Augustus L Rogers, Et Al. are applicants for
enrollment as citizens of the Cherokee Nation, by blood will be filed
with the Commission to the Five Civilised Tribes at Muskogee I T. on
the 23rd. day of August 1904.

You will therefore please take notice of the filing of applicants brief
in said cause, and conduct your-self accordingly.

Augustus L Rogers et al
By their attorney, J D Cox,

United States of America

Indian Territory

Northern District

I T B Murphy, do swear that I served the foregoing Notice on W W
Hastings, in the Town of Tahlequah, I.T. on the 22nd. day of August
1904. By delivering to the said W W Hastings, a true copy of the above
and foregoing Notice, attached to a true copy of the Brief therein refer-
-ed to, that I delivered to Said Hastings, a copy of said Brief at the
Town of Tahlequah, together with said Notice on this 22nd. of Aug.
1904.

Sworn to and subscribed before me this the 22nd. day of August 1904.

Notary Public.

United States of America,
Indian Territory, Northern District,

Before the Honorable Commission to the
Five Civilized Tribes.

In Re Augustus L. Rogers, et al; applicants for
enrollment as citizens of the Cherokee Nation by blood.

Augustus L. Rogers, et al; #
Vs #
The Cherokee Nation. #

Comes now the above named applicants by their attorney, J. D. Cox, and for their brief state: That the facts and the evidence in this case show that Augustus L. Rogers is a Cherokee Indian by blood; that he resided in the state of Georgia until 1885; that he was readmitted to citizenship by the Cherokee Council in 1886. (See certificate of re-admission filed with applicants petition filed with the Com., in 1896).

That applicant moved to the Cherokee Nation in March, 1895 and permanently located near Chelsea in the Cherokee Nation, where he bought him a home; that in the fall of 1895 applicants wife became afflicted and was threatened with dropsy; that Dr. T. B. Dickson, his family physician advised applicant that unless he took his wife out of this climate she would not live; that applicant acted under the advice of his physician and took a portion of his household goods and his family and went to the state of Georgia for his wifes health; that he never acquired citizenship in the state of Georgia; that he never in any way participated in the affairs of that or any other state; that he had been repeatedly subpoenaed as a juror but had at all times been discharged on the ground that he was a citizen of the Cherokee Nation. The evidence clearly shows that applicant was only absent from the Cherokee Nation temporarily for the benefit of his wifes health, and that he never removed all of his effects from the Cherokee Nation, but on the other hand that he had at all times owned an improvement in the Cherokee Nation and that a portion of his house-hold had at all times been in the Cherokee Nation.

The Cherokee Constitution provides that when any citizen shall remove with his effects out of the limits of the nation and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease, etc.

Before it can be legally held that applicant has forfeited his rights to citizenship in the Cherokee Nation, it must be shown that he removed all of his effects out of the Cherokee Nation, which the evidence in this case fails to show, but shows conclusively that he never did remove all of his effects out of the Cherokee Nation.

2nd. Before it can legally be held that applicant has lost his right to citizenship in the Cherokee Nation it must be proven by a preponderance of the evidence that applicant has become a citizen of some other government, which fact the evidence totally fails to show, but the evidence on the part of applicant shows that he never has acquired citizenship in any other government; that his removal from the Cherokee Nation was only temporary and that he at all times intended to return to the Cherokee Nation as soon as his wife's health was regained so that it was considered safe for him to do so.

3rd. Before it can be legally held that applicant has forfeited his right to citizenship in the Cherokee Nation it must be shown that applicant's removal from the Cherokee Nation was intended to be permanent, which the evidence fails to show, but on the other hand the evidence on the part of applicant shows affirmatively that he at all times intended to return as soon as his wife's health would permit him to do so.

The Assistant Attorney General in the case of Joseph D. Yeargain, et al; held that there are three elements clearly defined by the Cherokee Constitution, which must concur to affect forfeiture of nationality or complete expatriation, viz; removal of the person, coupled with the removal of all effects and property, and acquisition of another nationality by assuming the obligation of citizenship there. To these tests and for their construction there is also another implied but not mentioned, viz; the intent with which such acts be done; for if all property and the person were for some temporary purpose removed from the nation and if acts were done which might bear the construction of assuming obligations of citizenship in another country as voting there, for instance, yet, if the removal of person and property were for some temporary purpose and with the intent to return and the act simply being an assumption of duties of citizenship elsewhere had no such purpose, then the change of citizenship would

not follow; to apply the legal test to the facts in this case it seems clear that the applicants have done nothing which would justify forfeiture of their rights to citizenship in the Cherokee Nation.

"An indian, born a member of one of the indian tribes within the United States, which still exists and is recognized as a tribe by the Government of the United States, who has voluntarily separated himself from his tribe and taken up his residence among the white citizens of a state, but who has not been naturalized or taxed or recognized as a citizen, either by the United States or by the state, is not a citizen of the United States under the Constitution." See 28th Law Edition, page 643, U. S. Supreme Court Report.

"The Indian Tribes within the territory of the United States are independent political communities, and a child of a member thereof though born within the limits of the United States, is not a citizen thereof, because not born subject to its jurisdiction. In Re Saquah 31 st Fed. Reporter, page 327."

"An indian can not make himself a citizen of the United States without the consent and co-operation of the Government. The fact that he has abandoned his tribal relations does not effect his status. United States Vs Osborn, 2nd Fed. Reporter, page 58".

Section 1, of the 14th Amendment to the Constitution of the United States, providing that all persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States, and of the state wherein they reside, does not make a resident of a state a citizen thereof, unless he intends, by his residence therein to become a citizen. Sharon Vs Hill, 26th Fed. 327.

The evidence in this case shows that applicant did not intend to become a citizen of the state of Georgia, but every act of his was to the contrary. The Cherokee Council in 1894, passed an act which provided that all citizens who are re-admitted to citizenship in the Cherokee Nation must locate within the Cherokee Nation within six months after the passage of said act, provided that said act should not be construed against minors, etc a certified copy is hereunto attached and made a part hereof.

The records in the possession of the Commission to the Five Civilized Tribes show that all of the applicants in this case were minors at the time of their re-admission, except those that have been born since said re-admission, except A. L. Rogers, himself.

(The act of Congress approved June 28th, 1898, 30th Stat; 595, 592-3,) provides that in making rolls of citizenship of the several tribes required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880, (not including freedmen), as the only roll intended to be confessed by this and preceding acts of Congress and to enroll all persons now living whose names are found on said roll; and all descendants born since said roll to persons whose names are found thereon; and all persons who have been enrolled by the Tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the Tribal authorities and who were minors when their parents were so admitted; and they shall investigate the rights of all other persons, etc; the act of the Cherokee Council and the act of Congress approved June 28th, 1898, concur to establish and protect the rights of all minor Cherokees by blood who are absent without fault on their part; minor children are never responsible under any jurisdiction for their place of abode during their minority if they are under the care and custody of their parents or guardian; in this case all of the applicants were minors and under the care and contrroll of their parents and thereofre under no construction of the law can they be held responsible for their place of abode, but the protection of the law is thrown around them on account of their minority and their rights to citizenship in the Cherokee Nation could not be forfeited by any act of their parents, nor by any act of themselves until they reached their majority.

The premises being seen and the law carefully considered as hereinbefore cited it is clear to my mind that the law of expatriation has no application to the case; that before a citizens rights can be forfeited he must remove all of his effects from the Cherokee Nation with intent to, and must actually become a citizen of some other government,

#5.

which has not been done by either of the applicants in this case.

WHEREFORE, we respectfully ask the Honorable Commission to the Five Civilized Tribes to enroll all of the applicants in this case as citizens of the Cherokee Nation by blood.

Respectfully submitted.

et al.

By _____
Attorney for applicants.

97ms

Cherokee D-1248
(" R-753)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Augustus L. Rogers and his minor children, Mary May, John W.,
Louise E., Ruth A., Robert C. and James C. Rogers, as citizens
by blood of the Cherokee Nation.


O R D E R .

From an examination of the records in the possession of
this Commission it appears that on October 13, 1887, by the prop-
erly constituted authorities, the following named persons, among
others, were admitted to citizenship in the Cherokee Nation:

Rogers, Augustus L.	38,	Male
Rogers, Mary M.	6,	Female
Rogers, John W.	4,	Male
Rogers, Louise E.,	1,	Female.

It is ordered that a copy of this statement be filed
with and made a part of the record in above numbered case.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Charles L. Brier

Dated at Muskogee, Indian Territory,
this NOV 29 1904

(11)
(C O P Y)

APPLICATION FOR ENROLLMENT

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald C. McKennon, Thomas B. Cabiniss and Alexander B. Montgomery, United States Commissioners, authorized by an act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:

The undersigned, your petitioner Augustus L. Rogers, for and on behalf of himself and heirs, this day make_ their application to you for the purpose of being placed on the revised roll of Cherokee Indians, and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood; and Petitioner state_ that he is a Cherokee Indian by blood, deriving the same from his father, William Rogers, who was the son of John Rogers & Sarah Rogers, nee Cordoroy, who was a half breed Cherokee Indian. Your petitioner further shows that his name appears on the Giler Roll taken in 1851, No. 1738, and on the Chapman Roll of 1852, No. 1856, and that he was readmitted by the Cherokee Citizenship Committee Oct. 13th 1887, as will appear by reference to Executive Certificates herewith filed marked Ex. A. & B. & C., whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 18----- the same to be submitted to

your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of Cherokee citizens, and petitioner herewith files-----proof in support of said claim, and respectfully awaits the time when----- application shall be heard and tried.

Respectfully submitted,

(Signed)

AUGUSTUS L. ROGERS

Enrollment of family, with relationship attached, as follows:

Names,	Ages.	Relationship.
Augustus L. Rogers,	47	Petitioner
Mary E. Brown, Nee Rogers,	22	Daughter
Junia E. Summerour, Nee Rogers	19	Daughter
May W. Rogers	15	
John W. Rogers	13	Son
Louisa E. Rogers	10	Daughter
Ruth A. Rogers,	4	Daughter
Robert C. Rogers	1	
James C. Rogers (twins)	1	

IN WITNESS WHEREOF -----hereunto set-----hand---this----day
of -----1896.

(Signed)

AUGUSTUS L. ROGERS

))))-----
(INDORSEMENT)

United States of America }
Indian Territory, }
Northern District. }

AUGUSTUS L. ROGERS-----of lawful age,

being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(Signed)

AUGUSTUS L. ROGERS

Subscribed and sworn to before me on this the 7 day of Sept, 1896
(Signed) J. D. COX

(S E A L)

NOTARY PUBLIC

My Commission expires June 15th 1897.

(2)
(COPY)

Ex. E.

Cherokee Nation.

Cooweescoowee District:--

Personally came before me Joe M. La Hay, Clerk of Cooweescoowee District, one Augustus L. Rogers, and who after being duly sworn, states that he is a citizen of the Cherokee Nation, and that he was admitted to said citizenship on the 13th day of October, 1887, as is shown by the records in the executive department of said Nation-- He further states that he is now and has been a resident of the above named District and nation since the 28th day of March, 1895.

(signed)

AUGUSTUS L. ROGERS

Sworn and subscribed to before me on this the 29th day of May, 1895.

(Signed)

JOE M. LAHAY

(S E A L)

Clerk of Cooweescoowee District.

(3)
(COPY)

A. L. Rodgers

VS

Cherokee Nation

FILED SEPT. 9 1896

A. S. McKENNON
COM'R.

Admit applicant- A. L. Rodgers, his children & grandchildren as citizens by blood, having been admitted under the Act of Dec. 8th 1885, and having come to the Nation before the expiration of six months from Dec. 4th 1894.

Cherokee R-753.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Augustus L. Rogers, et al., as citizens by blood of the Cherokee Nation.

I, the undersigned, Commissioner, do hereby certify
that the foregoing exhibits marked one, two and three, are correct copies, taken from the records of this office, and that said records are in the lawful custody of this Commission.

JUN 8 - 1905

I. B. Needles.

Commissioner.

3

FILED
MAY 1 1905
COMMISSION TO FIVE TRIBES.

97ms

Cherokee R 753

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Augustus L. Rogers et al., as citizens by blood of the Cherokee
Nation.

--:--

O R D E R .

It is ordered that copies of the application for Cherokee citizenship, Exhibit "E", recommendation and judgment of the Commission, all of which relate to proceedings had under the Act of June 10, 1896, in the case of Augustus L. Rogers, et al., vs. Cherokee Nation, case No. 5384, be filed with and made a part of the record in re application of Augustus L. Rogers, et al., case No. Cherokee R 753.

Jams Bixby
Commissioner

Dated at Muskogee, Indian Territory,
this _____ MAY 17 1905

Cherokee R 753

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--:--

In the matter of the application for the enrollment of Augustus L. Rogers et al., as citizens by blood of the Cherokee Nation.

--:--

DECISION.

THE RECORD IN THIS CASE SHOWS: That on October 29, 1901, Augustus L. Rogers appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and minor children, Mary May, John W., Louise K., Ruth A., Robert C. and James C. Rogers as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had on April 5, 1902, at Muskegee, Indian Territory. The record further shows that on September 20, 1902, the Commission rendered its decision herein denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was approved by the Department; that thereafter, on March 16, 1904 (Departmental letter I. T. D. 986-04), said decision was rescinded by the Department, and case remanded for further testimony and readjudication in accordance with present rulings, and that, on May 6, 1904, supplemental testimony in the matter of said application was taken at Tahlequah, Indian Territory. Certified copies of the record of certain proceedings had before the Dawes Commission under the Act of June 10, 1896, in the case of Augustus L. Rogers, et al., vs. the Cherokee Nation, Docket No. 5384, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as citizens by blood of the Cherokee Nation.

The following points are fully established by the evidence, no attempt having been made to dispute them.

(1) That all the applicants herein are Cherokees by blood.

(2) That the minor applicants herein are the children of the principal applicant, Augustus L. Rogers, and his wife Julia Roger, a non-citizen of the Cherokee Nation.

(3) That the applicants, Augustus L., Mary May, John W. and Louise E. Rogers, were, on October 13, 1887, admitted as Cherokees by blood to citizenship in the Cherokee Nation, by the properly constituted authorities thereof, and that at the time of said admission they were aged thirty-eight, six, four and one year, respectively; and that the applicants, Ruth A., Robert C. and James C. Rogers, were born subsequent to October 13, 1887, and prior to June 4, 1895.

(4) That all the applicants herein were granted Cherokee citizenship by the Commission, under the act of June 10, 1896, and no appeal taken therefrom.

In view of the foregoing, it is deemed by the Commission that but two questions are to be considered in this case in order to properly adjudicate said applicants' rights to Cherokee citizenship on September 1, 1902:

(1) Have they complied with such laws of the Cherokee Nation passed, and rulings of the Department made, subsequent to October 13, 1887, as are material in determining their rights to Cherokee citizenship? If so,

(2) Did they, prior to September 1, 1902, forfeit their rights to citizenship in the Cherokee Nation?

AUGUSTUS L. ROGERS, applicant, appeared before the Commission on October 20, 1901, at Vinita, Indian Territory, and in support of his application for enrollment, testified, in part, as follows: I am fifty-two years old, and my postoffice is Chelsea, Cooweescoowee District, Cherokee Nation. I and my family moved from Georgia to the Cherokee Nation in March, 1895 or 1896; I remained in the Cherokee Nation six months, and my family remained about four months. At the expiration of four months my wife's health became so bad that upon the advice of her physician, Dr. Dickson, she, taking with her the children, returned to our

old home in Georgia, where they have since continuously resided, and a couple of months later I followed them, but have returned to the Cherokee Nation each year since. I left some household goods, i. e. one heating stove, and about one and one-half dozen chairs, and owned a farm in the Cherokee Nation when I returned to Georgia in 1895. The farm contained something over two hundred acres, about fifty acres being under cultivation. I paid \$50.00 for it and took it subject to a lease, and it has been leased ever since. I have never had possession of this place, and have received no rents from it. Since my return to Georgia I have had nothing to do with the governmental affairs of said state, have never voted, and always refused jury service, this by reason of the fact that I claimed citizenship in the Cherokee Nation.

THOMAS B. DICKSON, witness for applicants, at same time and place, testified as follows: I am a Cherokee citizen and reside at Chelsea, Indian Territory. I am a practicing physician, and at one time was the family physician of the applicant, Augustus L. Rogers. The first practice I did for him was on May 6, 1895, at Chelsea (Cherokee Nation), when I waited on his wife in a case of confinement and delivered her of twins. Her condition at that time was critical, and after confinement she suffered with what we call tropical effusion of the extremities, and weak lungs. I told Mr. Rogers that the climate here was not agreeing with his wife, and that she needed a change for a while. Mr. Rogers had not lived at Chelsea long when I was called to attend his wife. I do not know when they left there (Chelsea), but it was not long after I advised him of the condition of his wife's health. I was born in Georgia, and am acquainted with the climate of that country. I do not recollect that I advised Mr. Rogers to take his wife to Georgia, but inasmuch as she was raised there, and acclimated, I consider that a favorable climate for her.

AUGUSTUS L. ROGERS, applicant, appeared before the Commission on May 6, 1904, at Ta loquah, Indian Territory, and in support of his application for enrollment further testified, as follows: I am fifty-four years old. My postoffice address here is Chelsea, and my permanent postoffice address in the United States is Sheltonville, Georgia. I, with my family, first came from Georgia to the Cherokee Nation in 1895, stayed eight or nine months and then returned to Georgia. I again came to the Cherokee Nation in the fall of 1896, and made application to the Dawes Commission for Cherokee citizenship for myself and family; I stayed here about two months that time and then returned to Georgia, where I remained until 1898 and then made a third trip to the Cherokee Nation, where I stayed three or four months and returned to Georgia. I next came to the Cherokee Nation in 1901 and stayed about a month, during which time I made application to this Commission for the enrollment of myself and family as Cherokee citizens, and then returned to Georgia, where I remained until coming here about two weeks ago. None of my family have been in the

Cherokee Nation since leaving here in 1895. The furniture left by me when I removed from the Cherokee Nation in 1895, consisted of about one-half dozen chairs, two or three rockers, one heating stove and one bedstead; have not seen this furniture for a long time, but suppose it is still packed, and I intend to use it when I move my family back. My intention is to bring my family to the Cherokee Nation this fall, whether our application for enrollment is granted or not. I still own the farm bought when my family was living here; it is situated about three miles east of Chelsea and contains about one hundred and fifty acres. I bought this farm subject to a lease, which expired about one year ago. I have done nothing with the farm since the lease expired, and never received any rent from it, except one payment, made to my attorney, Mr. Cox, the next year after I bought the place. I have not seen this place for several years, but understand that my former tenant is holding it as an adverse claimant. I have another farm on Caney that I authorized Mr. Cox to buy for me when I was here in 1901; there is a box house on this place, and about thirty-five acres under cultivation. I have never had actual possession of this place, nor received any rents from it. I have not, as yet, paid any money for this farm, but expect to re-imburse my attorney, Mr. Cox, who advanced the money and made the deal for me. I have never voted or paid taxes in Georgia since moving there in 1895, and have often been subpoenaed as a jurymen, but always rejected because I did not claim citizenship in said state. I own no property in Georgia except my household goods. My wife's health is somewhat improved, but she is not entirely well. My wife owns a forty acre farm in Georgia, she has owned it for twenty years or more. The minor applicants in this case are still living with me at my home in Georgia. I have never exercised the rights of a Cherokee citizen, except that I sent my children to a Cherokee school when we lived here in 1895.

J. D. COX, attorney and witness for the applicants, at the same time and place, testified as follows: I am forty-two years old and reside at Wagoner, Indian Territory. I represent Mr. Augustus L. Rogers. In 1901 he authorized me to buy a place for him, and in compliance with his request, I purchased from one S. Burton, a farm containing about thirty-five acres, situated in the Cherokee Nation, about six miles northeast from Collinsville. The purchase price was \$250.00, \$125.00 of which has been paid in legal services rendered Mr. Burton. The balance yet remains unpaid. I bought this farm subject to a lease, which expired about one year ago. After the expiration of the lease I tried to rent the place but could not find a renter. I have not seen the place since last January, but understand the same man is on it this year that farmed it last. I am acquainted with the farm Mr. Rogers bought, near Chelsea, in 1895. It was purchased subject to a lease, and when the lease expired, I, as Mr. Rogers' agent, demanded possession, but was refused, as those holding it expected to become citizens and intended to hold the place as

prospective allotments, regardless of Mr. Rogers' rights. I did not bring an action for possession, as Mr. Rogers could not furnish the necessary money, and I did not think enough of his claim to advance it for him, besides, I did not consider the place worth the expense, as the improvements are practically worthless.

(BY THE COMMISSION: An index to the improvement plats showing the land in the Cherokee Nation, fails to show Augustus L. Rogers to be the owner of any improvements in that Nation.)

For the purpose of showing that the principal applicant, Augustus L. Rogers, with his family, which at that time included, besides the four older minor applicants herein, two daughters not embraced in this application for enrollment, removed to the Cherokee Nation and took up their residence therein, prior to June 4, 1895, attention is called to exhibits filed herewith, marked (1), (2), and (3); and for the purpose of showing that on their removal to the Cherokee Nation in 1895, it was the intention of these applicants to permanently locate therein, attention is called to exhibits (5) and (6), which show that on August 7, (1895), the said Augustus L. Rogers purchased the improvements and possessory right to a farm situated in the Cherokee Nation, the record of same being duly filed with the Clerk of Cooweescoowee District, Cherokee Nation, on August 21, 1895. (See indorsement on back of Exhibit "6"). Attention is also called to birth affidavits filed herewith, which show that on September 1, 1902, the applicants, Mary May, John W., Louise E., Ruth A., Robert C. and James C. Rogers, were aged twenty-one years six months, nineteen years eight months, fifteen years eight months, ten years five months, seven years five months, and seven years five months, respectively.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that all the applicants herein became bona fide resident citizens of the Cherokee Nation within the time specified in the act of the Cherokee Council approved December 4, 1894; and that, under the rulings of the Department in the cases of John R. Ketchum et al. (I.T.D. 1080-03), Joseph D. Yeargain, et al., (I.T.D. 2900-03), and Stonewall J. Rogers, et al., (I.T.D. 6790-02, 3092-05), said applicants herein must be held to have been bona fide citizens of the Cherokee Nation on September 1, 1902.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Augustus L. Rogers, Mary May Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, should

be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

James Bixby.

Chairman

(SIGNED).

T. B. Needles.

Commissioner

(SIGNED).

C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 1 1905

Copy of the
original letter to the
Hon. Sec. of War

Native
State
of
the
Cherokee Nation

on March 10th, 1802, and which we respectfully submit to the
Honorable, at all, and agreeable to the Honorable, the Secretary of the Interior
opinion delivered by the Assistant Attorney General, the Hon. Joseph D.
In support of this action your petitioners respectfully refer to the
before the Commission to the Five Civilized Tribes.
the Cherokee Nation, also with citing numerous authorities, filed in this case
necessitating a citation of another country. In Article 1, Section 2, Constitution of
Virginia L. Rogers could not have been commuted except with the intention of
Your petitioners further contend that expectation by the said
of the Cherokee Nation.

danger of the loss of his said wife in the event of her longer remaining in the
advised said removal because of the continued ill health of his wife, and of the
once of his family physician, Dr. T. W. Nichols, of Indian Territory, who
family from the Cherokee Nation was under and by virtue of the direction and insis-
himself in any way as a citizen of the state of Georgia; that removal of his
in the Cherokee Nation of the Indian Territory, and persistently refusing to identify
ordinarily retained upon a citizen of a state, persistently claiming his citizenship
declining to vote, also refusing to serve on a jury, or to do any act such as to
any part in the Governmental affairs as a citizen of the state of Georgia,
of all his said temporary removal from the Cherokee Nation refused to take
The said Rogers has

Thos. J. Rogers
copy for document

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
Cherokee D. No. 1848.

In the matter of the application of Augustus L. Rogers and his six minor children for enrollment as Cherokee citizens by blood.)

Application to the Honorable, the Secretary of the Interior to set aside the decision of the Secretary of the Interior affirming the decision of the Commission to the Five Civilized Tribes approved October 29th, 1902, denying the application of Augustus L. Rogers and his six minor children for enrollment as Cherokee citizens by blood:

Come now ~~Jefferson D. Rogers, Esq.~~, John R. Thomas, Esq., and William M. Harrison, Esq. Attorneys of Record for the said applicants and respectfully request that the decision of the Secretary of the Interior rendered October 29th, 1902, affirming the decision of the Commission to the Five Civilized Tribes be set aside, and that said case be remanded to the Commission to the Five Civilized Tribes with instructions to enroll the said Augustus L. Rogers and his six minor children, to-wit: Mary M.; John W.; Louise E.; Batha A.; Robert C.; and James C. Rogers as Cherokee citizens by blood.

In support of said motion your Petitioners respectfully submit that the evidence before the Commission to the Five Civilized Tribes shows that the said Augustus L. Rogers and his six minor children have not permanently removed their residence from the Cherokee Nation, or that they, or either of them, have become citizens of any other state or Territory, but shows conclusively that the said Augustus L. Rogers left the Cherokee Nation temporarily for the benefit of his wife's health only, and that he had left a large portion of his household goods at the town of Chelsea in the said Cherokee Nation, and that he had at the time of said temporary removal, and at all times since, a farm near the town of Chelsea, Cherokee Nation; that he made a number of trips from his temporary place of abode in the state of Georgia to the town of Chelsea in the

Cherokee Nation.

The evidence further shows that the said Augustus L. Rogers has at all times since his temporary removal from the Cherokee Nation refused to take any part in the Governmental affairs as a citizen of the state of Georgia, declining to vote, also refusing to serve as a juror, or to do any act such as is ordinarily enjoined upon a citizen of a state, persistently claiming his citizenship in the Cherokee Nation of the Indian Territory, and persistently refusing to identify himself in any way as a citizen of the state of Georgia; that the removal of his family from the Cherokee Nation was under and by virtue of the direction and insistence of his family physician, Dr. T. E. Dickson, of Chelaca, Indian Territory, who advised said removal because of the continued ill health of his wife, and of the danger of the loss of his said wife in the event of her longer remaining in the climate of the Cherokee Nation.

Your petitioners further contends that expatriation by the said Augustus L. Rogers could not have been consummated except with the intention of becoming a citizen of another country. See article 1, Section 2, Constitution of the Cherokee Nation, also Brief citing numerous authorities, filed in this case before the Commission to the Five Civilized Tribes.

In support of this motion your petitioners respectfully refer to the opinion delivered by the Assistant Attorney General in the case of Joseph D. Yeargain, et al, and approved by the Honorable, the Secretary of the Interior on March 16th, 1908, and which we respectfully submit fully supports the contention for the enrollment as citizens by blood of the said Augustus L. Rogers and his said minor children.

Respectfully submitted,


Attorneys for Claimants.

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of Augustus L. Rogers, et al., as Cherokee citizens by blood.

Cherokee R 753.

Argument on behalf of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully dissents from the opinion of the Commission of date June 30, 1905, granting the application of Augustus L. Rogers, et al., to be enrolled as citizens of the Cherokee Nation. The opinion fairly states the facts set forth in the testimony. We think that it is not necessary to go beyond the act of the Commission under the act of June 10, 1896, which admitted these people to citizenship in the Cherokee Nation, but the Department in numerous cases has held and among others that of Charles W. Cooper I. T. D. 4642-1902, that admission in 1896 is simply a recognition of citizenship.

The principal applicant in his testimony admits that immediately after his admission in the fall of 1896 he moved himself and family back to Sheltenville, Georgia, where his family has continued to reside since that time, although he has made occasional visits to the Cherokee Nation, he says, "None of my family have been in the Cherokee Nation since we left here in 1896;" so that really no member of his family has been in the Cherokee Nation since he was admitted under the act of June 10, 1896. Upon the other hand it will be seen that for ten years he has been a continuous resident of Georgia, where he owns a farm of forty acres of land, and during all that time has been disconnected with the Cherokee Nation. He claims, it is true, to own a farm in the Cherokee Nation, but he does not know where it is, never saw it, never was in possession of it and never realized any benefit from it, but simply one held in his name under a lease by his attorney, J. D. Cox. The records of the Commission were examined and the improvement plat made by the Commission in 1902 did not show that the improvement he claimed was his had been listed to him by the government officials in 1902. This, then, refutes his testimony to the effect that he owned an improvement in the Cherokee Nation. Again, it is worth considering that Augustus L. Rogers brings no tenant upon the stand to testify that he is holding any improvements in the name of Augustus L. Rogers.

His statement that he had a few household goods which he left in the Cherokee Nation, it seems to us, is childish. He does not even know where they are; he has not seen them for a long time, and the Department must remember that the people in this Western country are not so blest financially as to be able to scatter household effects from the Cherokee Nation to Georgia, and if Augustus L. Rogers had any household effects which he left behind it is because they were worthless and could not otherwise be disposed of.

He admits that he keeps house in Georgia; that he is the owner of a home, and that he and his family have been there continuously for the past ten years and that his family has never been here since they were admitted by the Commission in 1894. We think that we have the right to insist that these people are not entitled to enrollment under the testimony, and that the decision of the Commission should be reversed.

Respectfully submitted,

Attorney for the Cherokee Nation.

Encl L. 143

66584	Indian Office, Incl. No.	1905
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70129	Indian Office, Incl. No.	1905
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*Cherokee R. 753.
Reply to protest of
H. H. Hastings, Atty
for the Cherokee Nation*

W1248

*J. D. Cox, Atty
for Applicants*

8/2/5

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of Augustus L. Rogers, et.al., as Citizens by blood of the Cherokee Nation.

Cherokee R 753.

Reply ~~by~~ Applicant to argument on behalf of Cherokee Nation.

Comes now the applicants in the above entitled cause, and for reply to the argument of Hon. W. W. Hastings, attorney for the Cherokee Nation, state: that on October 13th, 1887, Augustus L. Rogers, the principal applicant herein, Mary May Rogers, John W. Rogers, and Louisa . Rogers, were admitted ~~to~~ citizenship in the Cherokee Nation by the proper authorities of said Nation, and that the applicants, Ruth A. Rogers, Robert C. Rogers and James C. Rogers, minor ~~children~~ of Augustus L. Rogers, were born subsequent to October 13th, 1887, and prior to September 1st, 1902; that all the applicants herein were granted citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes under act of Congress approved June 10th, 1896, and no appeal has ever been taken by the Cherokee Nation.

The evidence in this case shows that on March 28th, 1895, and within six months from the act of the Cherokee Council of December 4th, 1894, the said Augustus L. Rogers, principal applicant, with his entire family, became a bona fide resident of the Cherokee Nation, and purchased a farm near Chelsea, in the Cherokee Nation, of B. D. Pennington, a citizen of the Cherokee Nation, for which ~~he~~ took a bill of sale and recorded same in office of the Clerk of ~~Cherokeescowee~~ District, Cherokee Nation, which bill of sale is on file as a part of the evidence in this case. The evidence further shows that applicant did know where said farm was situated, and the only reason that said applicant did not occupy said farm at the time, was that said farm was occupied by the lessee of said Pennington for a term of years for the purpose of improving said farm, and that applicant agreed to comply with the terms of the contract between said Pennington and his lessee.

The evidence further shows that in the Fall of 1895, the wife of said Augustus L. Rogers gave birth to twins, whose names are Robert C. and James

C. Rogers; that after the birth of said twins she did not recover her health; that her health grew worse from day to day until her attending physician, Dr. T. B. Dixon, advised applicant that his wife could not recover unless ~~She~~^{was} removed to a different climate; that as soon as she could stand the trip she was sent back to North Georgia; that soon afterwards said Augustus L. Rogers returned to Georgia for the purpose of taking care of his family as best he could; that he worked by days' work at whatever he could get to do for the support of his family; that his wife's health improved very slow and when he was on the stand in May, 1904, applicant testified that at that time his wife had ^{not} entirely recovered her former health.

The evidence does not show, as stated by the attorney for the Cherokee Nation, that applicant, Augustus L. Rogers, or either of the other applicants, owned a farm, or any other property in the State of Georgia; but on the other hand, shows that they did not own a farm or any other property. *in the State*

But the evidence ~~does~~^{does} show that Julia Rogers, wife of the said Augustus L. Rogers, who is not an applicant for citizenship in the Cherokee Nation, either owned, or had an equity in forty acres of land in the State of Georgia, which was ^{at} that time in litigation, and so far as the evidence in this case discloses, has never been recovered by said Julia Rogers.

The evidence further shows that the principal applicant, Augustus L. Rogers, had been a bona fide resident of, and a legal voter in the State of Georgia prior to his admission to Citizenship in the Cherokee Nation, but when he returned to the State of Georgia for the benefit of his wife's health, he in no way exercised the rights of citizenship in the State of Georgia; that he was repeatedly subpoenaed for jury service and excused upon the grounds that he was a citizen of the Cherokee Nation and not a citizen of the State of Georgia; that he had repeated opportunities to vote for his friends for office, but always ^{refused} to do so, for the reason that he could not legally vote in that State because he was a citizen and a bona fide resident of the Cherokee Nation; that he repeatedly came to the Cherokee Nation to attend to his affairs.

The evidence further shows that in 1901 applicant arranged with J. D. Co., his attorney, to buy additional land upon which to allot applicants; that his said attorney did purchase a farm of Dr. Burton, a citizen of the Cherokee Nation.

It is true, that the improvement plat showing improvements in the Cherokee Nation fails to show the farm owned by applicant, near Chelsea, I.T., for the reason that he was not residing upon it at the time said plats were made; just as hundreds of other improvements in the Cherokee Nation are designated only by the name of the tenant or occupant at the time the plats are made.

The Cherokee Nation has offered no evidence in support of its contention, but relies entirely on the fact that applicant returned to the State of Georgia, and contend that he forfeited his rights to be enrolled as a citizen of the Cherokee Nation, because he did not remain therein continuously.

This case comes within the rule of the Department in the Case of John R. Ketchum et.al. (I.T.D. 1880, (03)), Joseph D. Yeargain et.al., (I.T.D. 2900-03) and Stonewall J. Rogers et.al., (6790-02), and (3092-05).

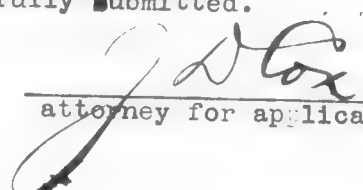
There is no evidence in this case which can reasonably be construed in any way to show that applicant, Augustus L. Rogers, has done anything by which the law of expatriation could apply. It is shown by applicants, and not denied by the Cherokee Nation, that applicants were duly re-admitted to Citizenship in the Cherokee Nation in 1887; that in 1895, pursuant to the act of the Cherokee Council of December 4th, 1894, applicants became bona fide residents of the Cherokee Nation. that they only left the Cherokee Nation temporarily for the benefit of the health of Julia Rogers, wife of the principal applicant in this case. There is nothing in the evidence to show that it was ever the intention of either of the applicants to abandon the Cherokee Nation, or that they ever established a domicile, except temporarily, in the State of Georgia or any where else, after they became residents of the Cherokee Nation; or that they, by any act of their's forfeited any right to citizenship in the Cherokee Nation. But, on the other hand, every act of applicant shows that it was his intention to be and remain a citizen of the Cherokee Nation. The fact that the principal

applicant in this case returned to the Cherokee Nation every year, and that in the latter part of the year 1903, as soon as his wife's health would permit him to do so, he returned to the Cherokee Nation, and has since resided near Chelsea, Indian Territory, is sufficient to show that it was, at all times, his intention to return to the Cherokee Nation, permanently, as soon as his wife's health would permit him to do so.

If the principal applicant in this case had done any thing which would forfeit his rights/ to citizenship in the Cherokee Nation, that could not affect the rights of his minor children. Under act of December 4th, 1894, (Cherokee Council) the rights of minors are protected, as they should be.

We, therefore, deny that the Cherokee Nation has the right to protest against the action of the Honorable Commission to the Five Civilized Tribes, in their decision of June 30th, 1905; Because all of the evidence tends to show the rights of applicants to their citizenship, and the Cherokee Nation has not disproved, or attempted to disprove a single contention made by applicants in this case.

Respectfully Submitted.


attorney for applicants.

No. _____
A. L. Rogers, et al
v. S.

Cherokee Nation,

Notice to take
depositions

(Copy)

United States of America)
Indian Territory)
Northern District.)
Before the Hon. Commission to the five
Civilized tribes,

A L Rogers, et al Applicants for citizenship in the Cherokee Nation.
V S
The Cherokee Nation.

To the Hon. W C Rogers, Principle Chief of the Cherokee Nation, or
W W Hastings, Attorney of Record for the Cherokee Nation,

You are hereby notified that the depositions of witnesses will be taken at
the office of the Clerk of the Circuit Court, of the County of
Milton, in the State of Georgia, ~~county~~ in the City of Alpharetta, G A.
on the 14th day of May 1904, to be read as evidence in the above entitled
cause and if the taking of said depositions are not completed on said
day the taking thereof will be ~~complete~~ continued from day to day at the
same place and between the the hours fixed by law, (8 oclock in the fore
noon and 6 oclock in the after noon,) until the taking thereof are complet
-ed. Given under my hand At Tahlequah I T. this the 3rd. day of May 1904

A L Rogers

one of the applicants in the above entitled cause/

By J D Cox, Atty for Applicants

CR

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1248.

ALLISON I. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

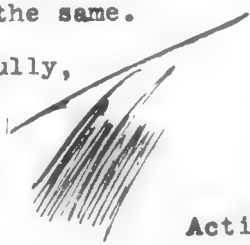
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Augustus L. Rogers for the enrollment of himself and his six minor children, Mary M., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 22.

HENRY L. DAW
JAMES BESSY,
EDMAN D. NELSON
C. R. DUNN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1248.

Muskogee, Indian Territory, November 10, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Augustus L. Rogers for the enrollment of himself and his six minor children, Mary M., John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 29, 1902.

Respectfully,



Acting Chairman.

COMMISSIONER
TAMM HENRY
THOMAS H. NEEDLES
C. R. BRICKENRIDGE
W. J. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-753.

ALLISON L. ROGERS

Tahlequah, Indian Territory, March 31, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 16, 1904, the Secretary of the Interior rescinded his decision of October 29, 1902, affirming the decision of the Commission of September 20, 1902, rejecting the application of Augustus L. Rogers for the enrollment of himself and minor children as citizens by blood of the Cherokee Nation and remanded said case in order that further testimony may be taken.

Augustus L. Rogers has this day been notified of the action of the Department, and has been given thirty days from date hereof in which to appear before the Cherokee Land Office of this Commission at Tahlequah, I.T., for the purpose of introducing further testimony as to his continued residence in the Cherokee Nation.

Respectfully,

C. R. Brackenridge

Commissioner in Charge
Cherokee Land Office.

MH

Cherokee R.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. B. BRACKENRIDGE

WM. O. BRALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee R-753.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 30, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Augustus L. Rogers, et al., as citizens by blood of the Cherokee Nation, there is herewith inclosed copy of an order dated November 29, 1904, and signed by Commissioner Needles, same to be filed with and made a part of the record in this case.

Respectfully,



Incl. S-88.

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-753.

Muskogee, Indian Territory, June 30, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Augustus L. Rogers, et al., as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-98


Chairman.

Land.
51822-1905.
55785-1905.
61675-1905.
66584-1908.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

August 26, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation, by Augustus L. Rogers for himself and his minor children, Mary May, John W., Louise E., Ruth A., Robert C. and James C. Rogers.

June 30, 1905, the Commission decided favorably to all the applicants.

The record shows that on September 20, 1902, the Commission rendered a decision denying these applicants enrollment and that the same was approved by the Department; that, thereafter, on March 16, 1904 (I.T.D. 986-1904) the Department rescinded its action and remanded the case for further testimony and readjudication in accord with present rulings.

The record further shows that all the applicants are Cherokees by blood; that the minor applicants are the children of the principal applicant and one Julia Rogers, a non-citizen of the Cherokee Nation; that all of the applicants who were then living were, on October 13, 1837, admitted to citizenship in the Cherokee Nation by the proper authorities thereof;

that all the applicants were granted Cherokee citizenship by the Commission under the act of June 10, 1896, and no appeal was taken therefrom; and that all of the applicants became bona fide resident citizens of the Cherokee Nation within the time specified in the act of the Cherokee Council approved December 4, 1904.

There is also enclosed a letter, dated July 15, 1905, from the attorney of the Cherokee Nation, transmitting a brief on behalf of the Nation in this case, and the same has received due consideration. Also, on August 5, 1905, there was filed by J. D. Cox, attorney, a brief on behalf of the applicant herein, which has been carefully considered. Also, under date of August 7, 1905, the Acting Commissioner to the Five Civilized Tribes enclosed a duplicate of the last named brief on behalf of the applicants.

In view of the record the approval of the Commission's decision of June 30, 1905, favorable to all of the applicants is recommended.

Very respectfully,

F. E. Loupp,

Commissioner.

M.V.M.(w)

J. R. W.

W. C. P.

S. V. P.

DEPARTMENT OF THE INTERIOR,
Office of Assistant Attorney-General
Washington.

I.T.D.
10930-1905.

April 4, 1906.

The Secretary of the Interior.

Sir:

I received by reference of October 30, 1905, for opinion thereon, the record in application of Augustus L. Rogers for enrollment of himself and certain descendants as citizens by blood of the Cherokee Nation.

June 30, 1905, the Commission to the Five Civilized Tribes found as fully established by the evidence that all the applicants are Cherokees by blood, the minors being children of Augustus and Julia Rogers, a non-citizen; that Augustus L., Mary May, John W., and Louise E. Rogers were admitted to citizenship by the properly constituted Cherokee authorities October 13, 1887, and were granted citizenship by the Commission under the act of June 10, 1896, and no appeal therefrom was taken:

that all the applicants herein became bona fide resident citizens of the Cherokee Nation within the time specified in the act of the Cherokee Council, approved December 4, 1894, and that under the rulings of the Department in the cases of John R. Ketchum, Joseph D. Yeargain, and Stonewall J. Rogers, said applicants must be held to have been bona fide residents of the Cherokee Nation on September 1, 1902.

and allowed their enrollment. The Indian Office advised approval

of that action.

The brief of counsel for the nation opposing the application states that the finding of the Commission "fairly states the facts set forth in the testimony." The brief, however, shows that this admission does not extend to its conclusion that the facts of the case bring it within the rule of the decisions cited. The brief of counsel argues that Roger's testimony--

admits that immediately after his admission in the fall of 1896 (by Dawes Commission) he moved himself and family back to Sheltonville, Ga., where his family has continued to reside since that time, although he has made occasional visits to the Cherokee Nation, he says, "None of my family have been in the Cherokee Nation since we left here in 1895," so that really no member of his family has been in the Cherokee Nation since he was admitted under the act of June 10, 1896.

From this statement of contention reviewing and commenting on the evidence, it is evident that the finding of the Commission (necessarily implied from what it specially found and its conclusion thereon) is not admitted. That necessarily implied finding of fact is that Roger's removal to Georgia in 1895 was not with view to there remaining, and that he did not remove his person and effects from the nation within the intent and meaning of the expatriation clause of the Cherokee Constitution

defining how citizenship of the nation is lost. This finding of fact is necessarily implied by the action of the Commission and its reference to the case of Yeargain. As this is clearly not admitted by counsel to be fair and accurate, I have looked into the evidence bearing on that question. Upon this critical question the Commission makes no express finding of the ultimate fact or conclusion deduced from the evidence, but contents itself with a rehearsal of the evidence merely. The Commission, reducing the testimony to narrative, gives Roger's testimony as follows:

October 29, 1901, I and my family removed from Ga. to the Cherokee Nation in March, 1895, or 1896; I remained about six months, my family about four months; . . . my wife's health became so bad that upon advice of her physician she, taking with her the children, returned to our old home in Ga. where they have since continuously resided, and a couple of months later I followed them, but have returned to the Cherokee Nation each year since. I left some household goods, 1 heating stove, about 1-1/2 dozen chairs, and owned a farm . . . something over 200 acres, about 50 under cultivation; paid \$50 for it subject to a lease; have never had possession of it, and have received no rents from it. Have since my return to Ga. had nothing to do with governmental affairs of said State, never voted, always refused jury service, because I claimed citizenship in the Cherokee Nation.

May 6, 1904, omitting repetition, the furniture left in 1895 was about 1/2 dozen chairs, 2 or 3 rockers, heating stove, and bedstead; have not seen it for a long time, suppose it is packed; intend to use it when I move my family back, which I intend to do this fall whether our application for enrollment is

granted or not. Still own the farm then bought, about 3 miles east of Chelsea, subject to a lease which expired about a year ago; have done nothing with it since the lease expired; never received rent except one payment to my attorney the next year after I bought it, but understand my tenant is holding it as an adverse claimant. I have another farm on Caney that I authorized Mr. Cox to buy for me when here in 1901, on which is a box house and 35 acres in cultivation; have never had actual possession of it nor rents from it; have not yet paid any money for it, but expect to reimburse Mr. Cox, who advanced his money and made the deal for me. Own no property in Ga., but household goods, Wife's health is somewhat improved, but she is not entirely well. She owns and has owned for 20 years a forty acre farm in Ga. I have never exercised the rights of a Cherokee citizen, except that I sent my children to a Cherokee school herein 1895.

This was corroborated by the physician Dickson, who testified:

I told Mr. Rogers that the climate here was not agreeing with his wife and that she needed a change for a while. He left not long after I advised him, do not recollect that I advised him to take his wife to Ga., but as she was raised there and acclimated, I consider that a climate favorable for her.

Also, the attorney Mr. Cox corroborated him as to the land transactions, and further testified:

I bought this farm (on Caney) subject to a lease that expired about a year ago. After expiration of the lease I tried to rent it, but could find no renter; have not seen it since last January, understand the same man is on it as farmed it last. The farm near Chelsea was bought by Mr. Rogers subject to a lease; when it expired I demanded possession as agent for Mr. Rogers, but was refused, as those holding it expected to become citizens and intended to hold it as prospective allotments regardless of Mr. Rogers's rights. Did not bring action for possession as Rogers could not furnish the necessary money, and I did not think enough of his claim to advance it, and the improvements are practically worthless.

The documentary ^{evidence} is his application to the Commission in 1896, allowed September 7, 1896; affidavit of Rogers sworn to May 29, 1896, before the clerk of Cooweescowee district, that he then was and since March 28, 1895, had been resident of that district; the order of September 9, 1896, allowing the application; the written instrument of sale of the Chelsea farm to him by D. B. Pennington "for value," recorded Cooweescowee district August 21, 1895; and one of sale to him by S. Burton October 30, 1902, of the improvements on a quarter section, in Sec. 15, T. 22 N., R. 14 E., for the recited consideration of \$250.

It so appears that in August, 1895, Rogers purchased the possessory right to improved tribal lands, which could only be held by virtue of citizenship in the nation; that he still claims it, and that in 1902 he made a similar transaction, so that he had continuously investments in and claims to real property in the nation from prior to his admission to citizenship to this time. While a man's domicile and legal residence is presumed to be at his usual place of abode, that is rebuttable. The Commission having necessarily found as a fact that his actual removal from the nation late in 1896 was for a temporary purpose, and in view of the fact that he had been fully identified as entitled to the rights of Cherokee citizenship, admitted

thereto by the properly constituted authorities in 1887; that he removed and took up his residence there, in compliance with the Cherokee law, with intent permanently to remain, and was admitted to enrollment by the Commission in 1896, I am of opinion that the evidence does not disclose that he has become expatriated, either by operation of the Cherokee law, or yet by the act of Congress of June 28, 1898, and that the action of the Commission in enrolling him should be approved.

Very respectfully,

(Signed) Frank L. Campbell.

Assistant Attorney-General.

Approved: April 4, 1906.

E. A. Hitchcock.
Acting Secretary.

D.C.13502

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D.10930-1905.
5700-1906.

April 9, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of an opinion of the Assistant Attorney-General of April 4, 1906, approved the same day, in the matter of the application for the enrollment of Augustus L. Rogers, Mary May Rogers, John W. Rogers, Louise E. Rogers, Ruth A. Rogers, Robert C. Rogers, and James C. Rogers as citizens of the Cherokee Nation.

In accordance with said opinion, the decision of the Commission to the Five Civilized Tribes of June 30, 1905, in favor of the applicants is hereby affirmed.

A copy of Indian Office letter of August 26, 1905, submitting the case, in which it was recommended that said decision be concurred in, is also inclosed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

2 inclosures.

REFER IN REPLY TO THE FOLLOWING

Cherokee
R 753

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 20, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes rendered June 30, 1905, granting the application for the enrollment of Augustus L. Rogers and his six minor children, Mary May, John W., Louise E., Ruth A., Robert C. and James C. Rogers, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior April 9, 1906.

For your information a copy of Departmental decision referred to is herewith inclosed.

Respectfully,



Incl. B-26

Acting Commissioner

LMB



P.D. 1248
IN THE MATTER OF THE APPLICATION OF

Augustus L. Rogers, et al

Original testimony 10/11/01

Memo of apprehension 10/29/01

Supplementary testimony 10/29/01

Notification not returned

not by Commissioner

Notice of final consideration, 3/22/02

10/11/01
10/29/01
10/29/01
3/22/02

Cher D 1249

Cher D 1249

File with Sis Catcher on a doubtful Cherokee card.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Levi Catcher to the enrollment of himself and wife as Cherokees citizens by blood; he being sworn by Commissioner E. R. Brookinsridge, testified as follows:

- Q Give me your full name? A Levi Catcher.
Q What is your age? A 35.
Q What is your post office address? A Foyl.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee by blood? A Yes sir.
Q Are you a full blood? A Yes sir.
Q Who do you want to have enrolled besides yourself? A My wife.
Q No children? A No sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Is she a full blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A Charles Catcher.
Q Is your father dead? A No sir.
Q Give me the name of your mother? A She went by the name of Nancy Helms.
Q Is she dead? A Yes sir.
Q Was she a full blood? A Yes sir.
Q How long has she been dead? A About 11 years.
Q Give me the name of your wife? A Sis Hays.
Q Do you call her Sis Hays Catcher? A Yes sir.
Q How old is she? A About 23 years old.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q Give me the name of her father? A Talley Hays.
Q Is your wife's father living? A No sir.
Q How long has he been dead? A Pretty near seven years.
Q Give me the name of your wife's mother? A Lizzie Hays.
Q Is she dead? A Yes sir.
Q How long has she been dead? A About 3 years.
Q Your wife still holds on to the name of Hays does she? A No sir.
Q What is her name now? A Sis Catcher.
Q And that is all is it? A Yes sir.
Q And you want it to go down that way do you, as Sis Catcher? A Yes sir.
Q How long have you lived in Cooweescoowee district? A About a year.
Q What district did you live in before that? A Saline.
Q Did you ever go by the name of Charlie? A No sir my name is Levi.
(By W. W. Hastings, Cherokee attorney)
Q Did you have a brother named Charlie? A Half brother.
Q Older than you? A No sir.
Q What was your mother's name before she married your father? A Nancy Helms.
Q Did she live in Saline when you were born? A I don't know exactly where she lived then.
Q Where do you think you were living 21 years ago? A In Tahlequah district.
(By the Commission)
Q You say your mother's name before she married your father was Helms? A Yes sir.
The 1880 roll examined and the applicant found thereon as page 148 No 2120 as Levi Helms, in Cooweescoowee district.
The 1880 roll examined for the mother of the applicant's wife and on page 783 thereof at Number 1394 is found the name of Lizzie Hays in Tahlequah district.
Q Have you a sister named Annie? A I guess that is my wife.
Q Did you have a wife named Annie before you married this one? A No sir.
Q Does this one sometimes go by the name of Annie? A Yes sir.
The 1886 roll examined and the name of the applicant's friend

thereon as follows, page 285 No 266, Levi Gatcher, Saline dist.
 Page 285 No 287, Annie Gatcher, Saline district.
 Q How long have you been married? A About five years.
 Q Who is there here that knows that you and your wife were married
 and living together? A John Helms does.

JOHN HELMS being sworn as a witness by Genl'r Brookmridge,
 testified as follows for the applicant:

- Q What is your name? A John Helms.
 Q How old are you? A 33.
 Q What is your post office? A Ford.
 Q Are you a full blood Cherokee? A Yes sir.
 Q Do you know this applicant here, Levi Gatcher? A Yes sir.
 Q Do you know his wife? A Yes sir.
 Q Is she any kin to you? A No sir.
 Q How long have you known this man's wife? A I have known her about
 two years.
 Q You don't know when they got married? A No sir.
 Q Are they living together now as husband and wife? A Yes sir.
 Q Did you know her mother? A No sir.
 APPLICANT RECALLED.
 Q Who is there here who knows your wife's mother? A No one here.
 Q Where is your wife now? A At Ford.
 Q Is she living with you? A Yes sir.

The applicant applies for the enrollment of himself and his
 wife; the applicant is identified on the rolls of 1880 and 1886
 as a native Cherokee; he is a full blood. He has lived in the
 Cherokee Nation all his life and he will be listed for enrollment
 as a Cherokee by blood. He states that his wife is a full blood
 and she is identified with him on the roll of 1886 with the
 given name of Annie, by which name he states she is sometimes
 called, though he desires her to be enrolled as Mrs. She is not
 identified on the roll of 1880, though 23 years of age, but her
 alleged mother, said to have been a full blood, and now deceased,
 is identified on the roll of 1880. The applicant's wife is said
 to have lived in the Cherokee Nation all her life and to have
 married him some five years ago. For her further identification
 under the change of name arising from her marriage, and as the
 daughter of the Elizabeth Hays, deceased, who is identified on
 the roll of 1880, she will now be listed for enrollment as a Cherokee
 by blood on a doubtful card, and the applicant is desired
 to bring before the Commission some one who knew his wife prior
 to her marriage to him and who knew her as the daughter of
 Elizabeth Hays as above referred to.

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Chas. von Weise, being sworn states that as stenographer to the
 Commission to the Five Civilized Tribes he reported in full all the
 proceedings in the above cause and that the foregoing is a full,
 true and correct transcript of his stenographic notes herein.

Chas. von Weise
 Subscribed and sworn to before me this the 13th of November, 1901.

Commissioner.

COMMISSION TO THE INDIAN TRIBES

FILED

NOV 11 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER 7th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SIS
CATCHER as a Cherokee citizen introduced on part of the applicant:

APPEARANCES:

Mr. S. F. Parks, Attorney for applicant;
Mr. J. L. Baugh, Cherokee Representative.

ELI PUMPKIN, being duly sworn by Commissioner Needles,
testified as follows on part of applicant:

MR. PARKS: What is your name? A Eli Pumpkin.

Q What is your age? A 24.

Q What is your citizenship, are you a Cherokee or what?
A Cherokee.

Q Where do you live? A Here in Town, Tahlequah district.

Q Did you know Tallow Mays? A Yes, I knowed Tallow Mayes.

Q Where did Tallow Mayes live? A Lived on the river, about 15
15 north of Tahlequah.

Q On what river? A On Illinois river.

Q In what district? A In Tahlequah district.

Q Is Tallow Mayes dead or living? A Dead.

Q How long has he been dead? A I could not say exactly how
long he has been dead, he has been dead after the strip payment.

Q Did you know his family? A Yes, I know his family.

Q I will ask you if he had a girl, daughter? A I believe he
had three daughters, three or four.

Q Three of four daughters? A Yes.

Q Did he have daughter by the name of Sis, or Annie?

Mr. Baugh: Let him give the names of them.

Q Do you remember the names of his daughters? A I know two
of the names. I know Bill Mayes and Sam Mayes that got hung over
here and Mike Mayes and Polly Mayes, I belibed they called the girl
and two girls I don't know the names and one boy I don't know the
name.

Q Now, where are these children? A Will Mayes is in close to Sam
Mayes, I don't know whether it is Cooweescoowee of Saline district,
where Sam Mayes live, and two child.

Q Two little children? A Yes, sir.

Q Now, where are these girls? A I could not say where they are.

Q Now, what did you saw the girls names that you knew?

A I know one name.

Q What was the Cherokee Nation? A Teyaney, and another girl named
Oneyla.

Q Are those girls over there now on the river? A No.

Q You don't know where they are? A No.

Q You do know that he had this children, these girls? A Yes.

MR. BAUGH: Do you know anything about this Sis Catcher?

A No, sir, I don't, Sis Catcher, I know all Mayes' children.

MR. PARKS: You don't know who these girls married? A No,
I don't know who these girls married.

Com'r Needles: This testimony will be filed with the ori-
ginal testimony in the case.

---ooo OOOooo---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the commission he correctly recorded the testimony and pro-
ceedings in this case, and that the foregoing is a true and complete
transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 9th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SIS CATCHER as a Cherokee citizen, introduced on part of the ~~Kim~~ Applicant:

APPEARANCES:

Mr. S. W. Parks, Attorney for Applicant;
Mr. Hastings, Cherokee Representative.

PEGGIE HAWKINS, being duly sworn by Commissioner Needles, testified as follows through Interpreter Simon R. Walkingstick:
MR. PARKS: State your name? A Peggie Hawkins.

- Q How old are you? A 64 years old.
Q Where do you live? A I live about eight miles north of here on the Illinois river.
Q What is your citizenship? A Citizen of the Cherokee Nation.
Q Full blood? A Yes, sir, I am a full blood; I came from the old Cherokee Nation.
Q Did you know Tallow Mayes? A Yes, sir.
Q Is Tallow Mayes living or dead? A He is dead.
Q Did you know his children? A Yes, I knew his children, but I could not give the names of them I don't think, except the older ones.
Q You may name his older children? A She said the older children there were three older boys and then came a girl ~~xxxx~~ she don't know the names of these children.
Q Ask her if she knows the names of the girls, the Cherokee name? A Tiyaney. I don't know her english name, that is her Cherokee name they were all full blood Cherokees.
Q Well, what became of Tiyaney? A She was married to a young man whose name I don't know and after the marriage they lived and moved up in Saline district somewhere, and then some time after that they came back to the old place and sold the place and then left again and never have come back; I made a mistake about that; it was the husband's place they sold instead of her place, and moved to some other place, and she says when they came back on this first trip after they went away she saw her husband but didn't learn his name at all.
Q Do you know where they live now? A No, sir, I am not able to state where they do live.

CARRIE R. GOURD, being duly sworn by Commissioner Needles, testified as follows on part of applicant:

- MR. PARKS: What is your name? A Carrie R. Gourd.
Q Where do you live? A I live in Tahlequah district about nine miles from here, up north.
Q What is your citizenship? A Cherokee Nation.
Q Are you a Cherokee? A Yes, sir.
Q Did you know the family of Tallow Mayes? A Yes, sir.
Q Where did they live? A He lived up on the river.
Q On what river? A On Illinois river.
Q Is Tallow Mayes living now? A No, sir, he is dead.
Q Well, you name his children? A I don't think I can, I know the names of his girls.
Q What girl? A Tiyaney.
Q Then he had a daughter by the name of Tiyaney? A Yes, sir, that is the oldest girl.
Q When did you last see her? A Oh, about a year ago, this last spring.
Q A year ago this last spring? A No, sir, this last spring.

SuplC.)A.#1249.--2.

Q Is she married? A Yes, sir, she is married.
Q You know who she married? A Yes, sir, called him by the name of Levi Catcher, some of them called him Levi Murphy.
Q Some called him Levi Catcher and some called him Levi Murphy?
A Yes, sir, his grandfather's name was Murphy but his right name was Catcher.

MR. HASTINGS: Was Levi a Cherokee? A Yes, sir.
Q Was he a full blood? A Yes, sir, his father's up here now member of the Council from Saline district, Charles Catcher.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 9th, 1901.

[Signature]

Commissioner.

6201949

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

Supl.-C.D.#1249.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of SIS CATCHER
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date she could appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of Commission's letter. The applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

---00000000---

J O Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sis Catcher as a citizen by blood of the Cherokee Nation:

DECISION.

The record in this case shows that on October 29, 1901, Levi Catcher appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of his wife, Sis Catcher, as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on November 7, 1901; also further proceedings in the matter of said application were had at Tahlequah, Indian Territory, November 8, 1901.

The evidence shows that the said Sis Catcher, nee Mays, is the daughter of Tallew Mays and his wife, Lizzie Vays, who are both identified upon the 1880 authenticated roll of the Cherokee Nation as native Cherokees.

The evidence further shows that the said Sis Catcher was born and has always resided in the Cherokee Nation up to and including the date of this application, and, as appears from an examination of the records in the possession of the Commission, is identified, together with her father and mother, upon the 1883, 1886 and 1890 pay rolls and the 1894 Strip payment roll of said Cherokee Nation and is also identified as Annie Catcher, wife of Levi Catcher, on the 1896 census roll of said nation.

It is, therefore, the opinion of this Commission that the said Sis Catcher should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON T. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED IN THE FOLLOWING

Cherokee D 1249.

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Levi Catcher for the enrollment of his wife, Sis Catcher, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 13.

James E. Dixon
IN THE MATTER OF THE APPLICATION OF

Sir Batchie

*Original testimony 12/29/90
Memo of application 12/29/90
Supplementary testimony 11/17/01
Supplementary testimony 11/18/01
Notice of final consideration, 12/22/02*

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

See Ser 7, packet no 1244

Cher D 1250

Cher D 1250

Department of the Interior,
Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 30th 1901.

In the matter of the application of Nancy Sky for the enrollment of herself and one child as Cherokee citizens by blood; she being sworn testified as follows through Thomas Dougherty as interpreter:

THOMAS DOUGHERTY being sworn by Genl Breckinridge, testified as follows:

- Q What is your full name? A Thomas Dougherty.
Q How old are you? A 51.
Q What is your post office? A Vinita.
Q You are sworn as interpreter in this case? A Yes sir.

NANCY SKY, the applicant, called and sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q State your name? A Nancy Sky.
Q How old are you? A 38.
Q What is your post office? A Peoria.
Q Do you live in the Cherokee Nation? A No sir.
Q Do you live in the Peoria country? A Yes sir.
Q What are you? A A Shawnee.
Q Full blood? A Yes sir.
Q Do you claim to be an adopted Shawnee of the Cherokee Nation? A Yes sir.
Q You want to be enrolled as a Cherokee-Shawnee then? A Yes sir.
Q Do you want to enroll anyone besides yourself? A I have a daughter.
Q How old is she? A Only three years old.
Q When did you first come to the Cherokee Nation? A When the Shawnees came, I don't exactly remember when they came; we came here to Bird Creek when I first came.
Q Give me the name of your father? A I don't know his English name I know his Shawnee name.
Q What is it? A Han-way-wah-kah-kah.
Q Was he a full blood Shawnee? A Yes sir.
Q Is he dead? A Yes sir, he died a good while ago.
Q Did you come with him when the Shawnees first came to this country? A Yes sir.
Q How long has your father been dead? A I don't know exactly, directly after the Shawnees came here, it was in 70 or 71.
Q Give me the name of your mother? A Shawnee name?
Q English name if you can give it? A Jane Panther.
Q Is she dead? A Yes sir.
Q How long has she been dead? A About 35 years.
Q Did she die before the Shawnees came here or did she come when they all came? A Yes sir she came when they did.
Q How many times have you been married? A Only once.
Q When were you married? A 13 years ago about.
Q What name did you go by before you were married? A By my first name Nancy.
Q Give me your husband's full name? A William Sky.
Q Is he a full blood Shawnee Indian? A No sir he is a Peoria Indian.
Q Is he a full blood? A Yes sir.
Q How long have you lived in the Peoria country? A About 12 years.
Q Did you live in the Cherokee Nation from the time the Shawnees first came here until 12 years ago? A We went to what is now Oklahoma.
Q Was that while that Oklahoma country was still a part of the Cherokee Nation? A I guess not, I don't know.
Q When did you go out to the Oklahoma country? A We went out there when James Bob went there and staid about nine years.

(continued by stenographer J. O. Reason)

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he repeated the above in full and that the foregoing is a true and complete transcript of his

steno-graphic notes therein.

Chawmawee

Subscribed and sworn to before me this 11th of November, 1901.



Commissioner.

October 30th, 1901.

NANCY SKY Application continued. Former portion taken by Stenographer Chas. von Weise.

THOMAS DOUGHERTY, being duly sworn by Commissioner Breckinridge and examined testified as follows:

- Q Give your full name? A Thomas Dougherty.
Q Mr. Dougherty you know this woman here? A Yes, sir.
Q Nancy Sky? A Yes, sir.
Q How long have you known her? A Oh, I have knowed her about 25 years.
Q What do you know about her having gone out to the Oklahoma Country? A I don't know only what she says.
Q What does she say? A She stated at the time Jim Bob went out there.
Q When was that? A That was about '82 or 'w.
Q And how long did she stay there? A She stayed nine years, about nine years.
Q And then what did she do? A That is where she went, but of course I don't know anything about it; she said they was nine years there.
Q And then did she come back to the Cherokee Nation?
A Yes, they come up here to Bird Creek and she went over home.
Q Did she take land out there in that Oklahoma country; did she take an allotment? A No.

APPLICANT, NANCY SKY, re-called: Examination conducted through Interpreter Thomas Dougherty:

- Q Give me the name of your child? A She can't think of the name, she can't speak it really.
Q What does she call it? A Motley Sky.
Q How old is the child? A Three years old.
Q This child is living now is it? A Yes, sir.
Q This is your own child? A Yes, sir.

1880 Authenticated roll of Cherokee citizens examined and name of applicant not found thereon.

- Q Your mother was called Jane Panther was she? A Yes, sir.
Q Was your father ever called Panther? A Yes, sir.
Q Was his english name James; did they call him James?
Q She thinks that is the name.
Q Well, she ought to know, whether they called him James or John or Robert? A Well, she thinks it is Jim.

Com'r Breckinridge: On the shawnee register of those who came to the Cherokee Nation within two years from the 9th of June, 1869 (1869), in accordance with the well known agreement with the Cherokee Nation, etc., there appear the names of four people as Painter, one being James Painter, and three being simply "Painter." It is presumable that the applicant went by that name, as she says her mother went by the name of Panther and that that is the name of her immediate family.

- Q Who came here besides you and your father, how many of you, when the shawnees moved, did you have any brother or sister? A She said she had no brother & but had one sister born after they come here.
Q How many were in your own family? A There were you and your mother and father and now who else came down? A She had a half sister older than her.
Q Is that all? A That is all.
Q Just you four? A Just the four.

Com'r Breckinridge: That corresponds to the number referred to there on the roll under the numbers of 556, 557, 558 and 559.

Nancy Sky, cont'd--2/

1896 Census Roll of Cherokee citizens examined and name of applicant not found thereon.

Q Did you ever draw Cherokee strip money? A No, never drew any money here from the Cherokee Nation.

Q Your child, of course, is too young to be on any roll, you never had your child put on any Cherokee roll? A No.

MR. HASTINGS, Cherokee Representative:

Q Ask her where she married? A They were married Peoria Nation.

Q She has been married 12 years? A Yes, sir.

Q She took an allotment of land over there? A Yes, they give her land over there.

Q She has been living there for 12 years has she? A She said they lived about, they lived at Bird creek about six years.

Q After she married? A Yes, and then they went back there.

Q Well, how long has she been living over there now, six years?

A About six years.

Q Well, she lived down in Shawnee Town in the edge of Oklahoma about nine years did she? A Yes, they lived there about nine years.

Q Well, now, how long did she live over here after she came back down there before she married? A She came over there, she went across the river and married there.

Q She went right straight from the Oklahoma country to the Peoria Nation and got married? A Yes.

Q Where this child born? A Over there across the river in the Peoria Nation.

Q Is her husband Peoria? A Yes, sir.

Q She gets her rights over there through her husband? A Yes.

COM'R BRECKINRIDGE: Did you ever draw any money over there in the Peoria Nation? A She said she remembers drawing about two payments over there, since she has been living over there.

Q You drew there with the Peoria? A Yes, sir.

Q Have you and your husband taken up lands over there upon your rights as a Peoria? A Yes, they did, but the child of course didn't get none.

Q Was the child born since they divided out the land over there?

A Yes, since they allotted.

Com'r Breckinridge: The applicant applies for the enrollment of herself and one child. The applicant states that she is a full blood Shawnee. She is identified with reasonable certainty upon the Shawnee roll as set forth in the testimony but is not identified on the roll of 1880 or that of 1894 or 1896. She has become distinctly identified with the Peoria Tribe, has drawn money there and has acquired a portion of the land as a member of the Peoria tribe. Her husband she states is a full blood Indian of that tribe. She will be listed for enrollment as an adopted Shawnee on a doubtful card for the further consideration of her case, and the final decision will be made known to her at her post office address. She makes no application for her husband.

Her child, some three years of age, is said to be living now. This child will be listed for enrollment as a Cherokee-Shawnee on a doubtful card, and the applicant is desired to supply the Commission with a proper affidavit of the child's birth. The result of the application for the child will be made known when finally determined.

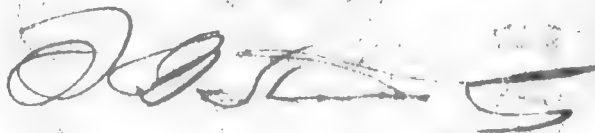
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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Nancy Sky, Cont'd.--3.

Subscribed and sworn to before me this November 9th, 1901.



Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 21 1902

Supl.-C.D.#1250.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of NANCY SKY, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that she could on said date appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her application. Receipt has been acknowledged of Commission's letter, and the applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

No. 2,125 ✓

In re
Application of Nancy
Sky for the enrollment
of herself and child as
Cherokee citizens.

BRIEF ON BEHALF OF APPLI-
CANTS.

Carbon Copy for the
Attorney for the Cherokee
Nation.

HARRY G. KIMBALL,
ATTORNEY AND COUNSELLOR AT LAW,
FIFTH STREET, N.W.
WASHINGTON, D. C.

ALVAN BUSHNELL CO., LAW STATIONERS, 4 N. 15TH ST., PHILA.

In re
Application of Nancy Sky
for the Enrollment of her-
and child as Cherokee
citizens.

BRIEF ON BEHALF OF APPLICANTS.

Statement of Facts.

The facts in this case as they appear in the testimony are as follows:-

Nancy Sky was a Shawnee by birth and came to the Cherokee Nation in 1871 in accordance with the Treaty of 1869. Her name at the time was Panther or Painter and as such, her name with those of her parents appear on the Shawnee-Cherokee Registration Roll. She lived in the Cherokee Nation from 1871 to 1882, when she moved to what is now the Territory of Oklahoma, where she lived for nine years. She then married William Sky, a Peoria Indian, and has lived with him in the Peoria Nation ever since. Her child, Motley Sky, was born in the Peoria Nation and at the time the testimony was taken was three years of age.

William Sky and his wife, Nancy Sky, were given allotments of land in the Peoria Nation and two payments were made them there. The child, Motley Sky, has never received any allotment or distribution of money among the Peoria Indians.

A R G U M E N T .

The issue in this case is, are Nancy Sky and her child, Motley Sky, or either of them, entitled to enrollment as Cherokee citizens?

There can be no question but that Nancy Sky, nee Panther or Painter, was from 1871 to 1882 entitled to all the rights of a Cherokee citizen by virtue of the Treaty

of 1869, and her settling in the Cherokee Nation in accordance therewith. United States vs. Blackfeather, 155 U. S. 218.

Now what was the effect upon her citizenship of her marriage with William Sky? By the Cherokee Laws her marriage did not affect her citizenship, but did effect his. It made him a Cherokee citizen and would have entitled him to enrollment as such if he had applied for it. Cherokee Laws, 1892, Section 670.

The decision of the Lawes Commission in rejecting this applicant is based on paragraph 8 of Section 21 of the Act of June 28, 1898, known as the Curtis Act. This paragraph reads as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

The decision of the Commission says: "It is clearly shown by the law above quoted that it was intended that each Indian should share in the allotment of lands and distribution of money belonging to one tribe only". A careful reading of this section, however, shows that Congress has provided for three different classes of cases and that the Commission has confused one class for another. First, those in which the question of allotment and distribution shall be determined by agreement between the different tribes. This is not

the case under discussion and may be eliminated. The second provision allows any Indian who may claim rights in two or more tribes to elect in which of the said tribes he shall be enrolled by the Commission, and he shall be enrolled in such tribe and no other. The third provision as provided by Congress declares that if an Indian having claims in two or more tribes shall neglect to elect the Commission shall in such case enroll him in the tribe with whom he is living and in no other. These provisions when considered together show a clear intention in the law-making body to allow a claimant to elect within "due time" after the passage of the Act of June 28, 1898, and that thereupon his election shall govern the Commission in the matter of his enrollment.

The Commission by its decision has determined that the claimant, Nancy Sky, by her marriage and by the allotment and distribution which she has received with her husband in the Peoria Nation, has a claim in said Peoria Nation. The very condition anticipated by Congress has, therefore, arisen. There is no limitation in the section quoted as to how these claims shall arise, but Congress declares in the broadest terms that whenever any person who for any reason should claim citizenship etc. The said allotment and distribution, therefore, instead of preventing this claimant from securing any rights as a citizen of the Cherokee Nation allows her now under this section to elect in which tribe, for the future, all her rights shall vest. Her application, therefore, for enrollment as a Cherokee is such an election and its effect is to compel the Commission to enroll her as a Cherokee and to prevent her from securing any future rights or any future claim which she might have in the Peoria Nation. The Commission is not authorized by the said Act of June 28, 1898, to enroll

this claimant among the Peoria Indians unless, as is not the case here, she had failed to elect her rights as a Cherokee citizen.

The fact that Nancy Sky has not lived within the bounds of the Cherokee Nation since 1832 does not have the effect of depriving her of her rights as a Cherokee citizen. It is clear that a claimant to rights in two tribes could not be living in both tribes at the same time and yet Section 21 allows him to select the tribe in which he shall be enrolled where he has rights in two tribes. An Indian, therefore, as in the case at bar, can live in the Peoria Nation, claim rights in the Cherokee Nation and elect to be enrolled in the Cherokee Nation without losing such rights by the fact of his non-residence in the said Cherokee Nation.

There is no law of the Cherokee Nation which prevents any of its citizens from receiving allotments of land or gifts of money from any person, nation or other tribe of Indians.

The case of the child, Motley Sky, is even stronger than that of her mother. She had never received any allotment in the Peoria Nation, has never shared in any distribution of moneys there and by virtue of her descent from her mother has a claim to rights in the Cherokee Nation which may be asserted for her as has been done in this case by her parents who are her natural guardians.

Paragraph 1 of Section 21 of said Act of June 28, 1898, requires the Commission to enroll the descendants of any person whose ancestor was rightfully on any of the rolls of the Cherokee Nation where said descendants have been born since the making of said roll. Nancy Sky, the mother of Motley Sky, was rightfully on the Shawnee-Cherokee Registration Roll and the said Motley was born subsequent to the making of said roll, and under a strict con-

struction of this Statute not only the mother, Nancy Sky, but also the daughter, Motley Sky, is entitled to enrollment. Even if any other construction than this one was possible it is a well settled principle of law that in construction where one meaning would result in disinheriting children and another possible one would not so result the former is permissible only when expressed in such clear terms as will make the intention so to do unmistakable. Underhill on Wills, Section 332, Vol. 1, Page 445. And this principle is as applicable in the construction and interpretation of such Statutes as the one under consideration as in the construction of any other document.

Statutes which work forfeitures or confiscations of property require a close construction. United States vs. Athens Armory etc. 35 Ga. 244. Endlich on Interpretation of Statutes, Sec. 345.

Such a principle in the construction of Statutes should be all the more carefully carried out in regard to the laws of Congress affecting the rights of Indians to property. Congress stands in a unique position as regards these "wards" of the Nation, and where two constructions of a Statute are possible that one should be chosen which favors the Indian claimant rather than the one which is against his interest.

We respectfully submit that Nancy Sky and her daughter, Motley Sky, are both entitled to enrollment as Cherokee citizens and to share in the distribution of lands and moneys as such.

Respectfully submitted,
Harry G. Kimball
Wm Henry White
A. E. L. Leekie
Cred M. Fulton

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T. June 11th 1902.

In the matter of the application of Nancy Skyet al for enrollment
as citizens of the Cherokee Nation of Shawnee Blood.

Cherokee D 1250.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Nancy Sky is a resident of the Peoria nation, that she is a citizen of that nation and that she took an allotment of lands over there and that her child was born since the lands were allotted. Her name does not appear upon the rolls of the Cherokee Nation, except perhaps the Shawnee roll of 1871 and of that there is some doubt. She seems to have led a wandering life; she lived a greater part of her life among the Absentee Shawnees in Oklahoma but for the past six years or more she has lived in the Peoria nation where she married and her child was born and where she had been recognized as a citizen and where she elected to take her allotment;

It is an elementary principle of law that that no person can be at one and the same time a citizen of two governments or nations and in as much as this woman is a recognized citizen of the Peoria nation the moment that she became such she lost her rights, if she ever had any, in the Cherokee Nation.

She testifies that she has never drawn any money in the Cherokee Nation but that she has at different times drawn money in the Peoria Nation and she never seems to have been recognized as a citizen of the Cherokee nation since she came here in 1871 provided she came at that time and in the name upon the list of registered Shawnees is hers.. We submit that in as much as she is a recognized citizen of the Peoria nation and that the citizenship of the child will follow that of the parents, that neither are entitled to be enrolled as citizens of the Cherokee Nation.

These people are not residents of the Cherokee nation and were not on June 28th 1898, the date of the passage of the Curtis Bill, Section

twenty-one of which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

For these reasons we submit that we do not see how under the law the Commission would be justified in enrolling the applicants as citizens of the Cherokee Nation.

Respectfully submitted,

J. C. S.

W. W. Hastings JCS
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy Sky for the enrollment of herself and child, Motley Sky, as citizens of the Cherokee Nation of Shawnee blood:

D E C I S I O N .

The record in this case shows that on October 30, 1901, Nancy Sky appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of herself and child, Motley Sky, as citizens of the Cherokee Nation of Shawnee blood.

The evidence shows that Nancy Sky, nee Panther, is the daughter of James Panther and Jane Panther; that her name, together with that of her father and mother, is found on the register of the Shawnee Indians who came to the Cherokee Nation within two years from the 9th of June, 1869, in accordance with the agreement between the Shawnee Tribe of Indians and the Cherokee Nation.

The evidence further shows that Nancy Sky resided in the Cherokee Nation from 1871 until 1882, when she removed to Oklahoma Territory and resided therein for a period of nine years, when she removed to the Peoria country and married one William Sky, a Peoria Indian; that she received an allotment of land as a member of said Peoria Tribe of Indians and is enrolled on the rolls of said Peoria Tribe; that her child, Motley Sky, was born and has always resided with her mother in the Peoria country; that the said Nancy Sky and her child, Motley Sky, are not identified upon any of the rolls of the Cherokee Nation.

Paragraph 8, of Section 21, of the Act of Congress approved June 22, 1902 (32 Stat., 495), provides:

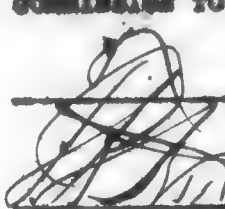
"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of land and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."


It is clearly shown by the law above quoted that it was intended that each Indian should share in the allotment of lands and distribution of moneys belonging to one tribe only.


Cherokee 2 1200

It is, therefore, the opinion of this Commission that the application of Nancy May for the enrollment of herself and child, Kellay May, as citizens of the Cherokee Nation of Cherokee blood should be denied under the said provisions of the Act of Congress above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHIEF.


COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory,
this Jul 20 1882

IN RE NANCY SKY, ET AL., CHEROKEE-SHAWNEE ROLL.

-----: : : : :-----

Nancy Sky, the daughter of James Painter, a registered Shawnee on roll of June 10, 1871, who came to the Cherokee Nation prior to June 10, 1871, and is registered as 558 Painter.

As an accepted Shawnee she had all the rights, privileges and immunities of a Native Cherokee. Art. 15, Treaty July 19, 1896.

BLACKFEATHER vs CHEROKEE NATION, 153 U. S. 218.

At the time of her marriage with William Sky, a Peoria Indian of the Indian Territory, she was an accepted Cherokee-Shawnee, and by reason of said marriage William Sky became a citizen of the Cherokee Nation, under and in accordance to the provisions of Article 17, Sec. 870, Cherokee Laws.

" Section 870. Whereas, quite a number of our citizens have intermarried with Indians, members of other tribes of this Territory, and it has always been the custom of the Cherokee people to recognize such marriages as lawful until the taking of the last census, when their rights as citizens were called into question; therefore, ~~any~~ Indian, a member of any of the tribes of this Territory who has married, or who shall hereafter marry a Cherokee, a citizen of this Nation at the time of such marriage in accordance with the laws regulating marriages between native citizens thereof shall be, and is hereby deemed a Cherokee to all intents and purposes, and entitled to all the rights of ~~an~~ other Cherokees."

And Article 21, Sec. 885, p. 334, Reads,

"Section 885. Marriage, so far as its validity in law is

concerned, is a civil contract, to which the consent of the parties capable in law of contracting, is essential."

And Art. 21, 689, p. 345, Cherokee Laws Reads:

"Sec. 689. No particular form of marriage shall be required in the solemnization of marriages, except that the parties shall solemnly declare in the presence of the judge, Clerk, or minister officiating, or the attending witnesses, that they take each other as husband and wife; provided, that citizens of the United States, or those of other Indian Nationalities, intermarrying among the Cherokees, shall first comply with the law governing such cases."

Nancy Sky, nee Painter, and William Sky, being citizens of the Cherokee Nation had born unto them a child, now living, named Myrtle Sky, who is a Cherokee citizen by birth and is entitled to ~~enrollment~~ be enrolled.

The marriage of Nancy Painter and William Sky took place long prior to the Acts of Congress of June 28, 1898, called the "Curtis Act"; has no bearing upon these Cherokee-Shawnee applicants, who were made so by operation of Cherokee laws prior to said Act.

The right of the Peoria Indians to give as a present a head right to Nancy Sky, is beyond dispute. They bought and paid for their reservation with their own money and neither had the governments of the United States or the Cherokee Nation any interest therein.

TREATY OF FEBRUARY 23, 1867, PEORIA INDIANS.

The conferring of citizenship by the Cherokee Nation by said act, Sec. 670, makes no clause of forfeiture of any rights

acquired and in accordance with their law, the child Myrtle Sky is a member of the Cherokee Nation and she has never participated in the allotment of lands of any Tribe or Nation.

The child cannot be made to suffer by reason of any act of her parents by reason of their residence. Her rights are like all minor Cherokee children. They can only be renounced by some voluntary act of ~~that~~ her own, when she becomes of age, and is free to act without restraint. The Cherokee Nation's laws makes provisions for minors and orphans; many of said acts contain "Provided: That nothing in this Act shall bar minors and orphans," or they provided in their marriage laws, "Provided: That the issue of such unlawful marriage shall nevertheless be legitimate," or "Provided; also, when a man having by a woman one or more children shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate.".

JOHNSON vs. HARRIS.—Exhibit.

Art. 1, Sec. 2, Cherokee Nation, neverthat one incapable of acting of their own free will could remove with his effects out of the limits of this Nation, and join any other Government and neither was she capable to apply to the National Council for re-admission to citizenship.

J. J. Blower
Atty for Harvey & Myrtle Sky

(Copy)

EXHIBIT G.

At the Regular term of the Circuit Court of Tahlequah District, Cherokee Nation, Sept. 5th, 1895, in the case of J. B. Johnson et al, vs G. J. Harris, Principal Chief, etc., the parties having submitted a statement of facts in the case to which both agree for a decision of the Court upon examination of the statement of facts the Court finds that it is alleged and admitted that plaintiffs are of Cherokee blood and at one time owned an improvement and lived on it in Cooweescoowee District this Nation, and were citizens thereof; and in April, 1884, removed out of the limits of this Nation into the Osage Nation; and it is further admitted that the wife and children are part Osage by blood and as such that they participated in the per capita payments of money made among the Osage people, and that J. B. Johnson himself drew money at the "Strip" payment among the Cherokee people. It is evident to the Court that the wife, being of elective age, has preferred being a citizen of the Osage Nation, to that of being a citizen of the Cherokee Nation, and in the exercise of that right of choice she has identified herself with the Osage people, and become a recognized citizen thereof, thereby has forfeited all rights of citizenship in this Nation. As the Court holds that the wife in this case being of Cherokee and Osage blood both, cannot hold and exercise the rights of citizenship in the Cherokee and Osage Nations both at the same time, she must identify herself with one or the other. As to the rights of such children of J. B. and Julia M. Johnson might have had born to them prior to their removal to the Osage Nation, being Natural born citizens of this Nation by virtue of their Cherokee

blood, remain unimpaired, they being minors and their rights of citizenship in this Nation being vested by the Constitution and laws of this Nation, the mere fact of their mother having taken them with her when she went to the Osage Nation, does not and cannot divest them of their rights in the Cherokee Nation; there is no power or authority that can divest a minor citizen of this Nation of blood of his rights of citizenship.

It is therefore the opinion of the Court that such children of J. B. Johnson and wife, as they might have taken with them when they removed to the Osage Nation, and are now minors have not forfeited their rights in this Nation. That forfeiture of citizenship in this case must be done by a person who is capable of electing as to which of these two Nations they prefer to live in. It must be done voluntarily. And when the children in question reach their majority they will then be competent to elect as to which of these two Nations they prefer to live in. Then if they elect to live in the Osage Nation they will forfeit their rights here; and as to the rights of such children of J. B. and Julia Johnson might have had born to them since the mother has been recognized as a citizen of the Osage Nation, the Court holds are wholly identified with those of the ~~man~~ mother; they being of Osage blood and born in the Osage Nation, are Natural born citizens thereof by virtue of their Osage blood, and have no rights in the Cherokee Nation whatever. And judgment is hereby ordered accordingly.

H. L. LANDRUM,
Judge Presiding.

Before the Department of the Interior:

Washington D. C.

In the matter of the application for the enrollment of Nancy Sky et al as citizens of the Cherokee Nation, before the Commission to the Five Civilized Tribes. Cherokee D # 1250.

Reply to Motion of Applicants Attorneys for New Hearing.

Statement.

✓ A copy of a motion to reopen this case has within the past few days been served upon the Representative of the Cherokee Nation, by the Attorneys for the applicants and the Cherokee nation desires to most earnestly protest against the granting of said Motion.

Argument.

The evidence in this case shows that the Principal applicant Nancy Sky resided in the Cherokee nation from about 1871 until 1882 when she removed to Oklahoma Territory and resided therein for a period of nine years when she removed to the Peoria country and married one William Sky, a Peoria Indian; that she received an allotment in the Peoria nation and is enrolled on the rolls of said tribe. That her child Motley Sky was born and has always resided with her mother in said country; that the said Nancy Sky and her child Motley Sky are not entitled to be carried upon the rolls of the Cherokee nation.

We think that the Commission very properly refused to enroll the applicants as citizens of the Cherokee nation and the decision of the Commission in this case was affirmed by the Honorable Secretary of the Interior.

Counsel for applicants contend that there is a similarity between this and the Yeargain case and his reasoning very much reminds of of the old Indian Doctors prior to the war who attempted to cure all cases of diseases by first throwing the patients into fits and then curing the fits. Counsel for applicants first in all cases attempts to show a similarity, even far fetched with the Yeargain cases and then asks the department to apply its rule in the Yeargain case to the case at bar. There

is no similarity whatever between the case at bar and the Yeargain case; the names of the applicants do not appear upon any rolls of the Cherokee Nation whereas the names of the Yeargains appear upon every roll made since they were born including the authenticated roll of 1880; the pay rolls of 1883, 1886, 1890 and 1894 and the census roll of 1896; the applicants in the case at bar held no property in the Cherokee nation whereas the Yeargains always possessed valuable farms and each has personal property in the Cherokee nation; the applicants in the case at bar have never been identified with the Cherokee Government whereas both the Yeargain boys voted at every Cherokee election and held office under the Cherokee Government. The applicant in this case became identified with the peoria x tribe of Indians, was enrolled as a citizen of that tribe, took an allotment there and drew annuities there both for the principal Applicant and her child whereas the Yeargain's never became citizens of ~~the Cherokee Nation~~ ~~any other tribe~~ nor received an allotment of land belonging to any other tribe and we therefore contend that there is absolutely no similarity whatever between the case of Nancy Sky et al and the Yeargain cases and we believe the Department very properly affirmed the decision of the Commission and refused to enroll the applicants in this case.

Respectfully Submitted,

Wm Hastings
Attorney for the Cherokee Nation.

Department of the Interior,
RECEIVED.

SEP 14 1903

Enc. No. 1 of No. 8011
Indian Territory Division.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy Sky et al
for enrollment as citizens of the Cherokee Nation.

No. _____
UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

AFFIDAVIT TO SHOW
SERVICE.

This day personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory, L. G. Zimmerman, who being by me first duly sworn on oath states, that his age is thirty-three years and that his postoffice is Vinita, Indian Territory, and that on the 10th day of September 1903 he deposited in the United States postoffice at Tahlequah, Ok an envelope containing a true copy of the instrument hereto attached and he hereto attaches the receipt of the postmaster at said postoffice showing that he received said package to be duly registered and mailed to Mrs Nancy Sky whose postoffice is Peoria Indian Territory, ~~and attached to this affidavit is the registry return receipt duly signed by the applicant showing that said envelope containing a true copy of the instrument hereto attached was received by the said applicant.~~

L. G. Zimmerman
Subscribed and sworn to before me this 10 day of Sept 1903

C. S. Carr
Notary Public.

IN THE DEPARTMENT OF THE INTERIOR.

In re

Application of Nancy Sky, et al.,

for enrollment as citizens of the
Cherokee Nation.

-----000-----

S U P P L E M E N T A L B R I E F .

Department's letter to us of May 1, 1903, says:

March 12, 1903, you filed a motion to reopen the case of Nancy Sky, et al., applicants for enrollment as Cherokee citizens, claiming that the points of law involved in this case are similar to those involved in the case of Joseph D., Scott A. and Marjorie C. Yeargain.

Action has been taken upon the Yeargain case, and the Department is unable to find any similarity between it and the Nancy Sky matter. No reason is found for a reversal of the decision of the Department of September 17, 1902, in the Nancy Sky, et al., case, or for a rehearing in the matter.

If you desire to be further heard in the case, it is requested that action be taken without delay.

The Yeargain cases involve the question of removal from the Cherokee Nation and so does this case, which answers the Department's query as to the similarity. May we ask a careful reading of our brief heretofore filed in this case?

Nancy Sky was, however, rejected also because prior to June 28, 1898, she received an allotment among the Peorias and we respectfully ask,

WHAT IF SHE DID?

So did all of the Shawnees receive allotments in Kansas.

What difference does it make if she received a dozen allotments under a dozen marriages prior to June 28, 1898?

If paragraph eight is retroactive no Shawnee is to be enrolled who received an allotment in Kansas. Of course, it is not retroactive! It speaks in praesenti and in futuro. It is only speaking of allotments to be made and the Dawes Commission

is not to make two allotments to the same person. Of course not and to avoid that three ways are provided by Congress:

First, the tribes may determine. Since they did not that is removed;

Second, in the absence of the first, the applicant may elect, which this applicant has done; the

Third takes place only on failure of the first two and in this case does not apply. -

Is the Dawes Commission about to give Nancy Sky two allotments? On the contrary, because the law says she is not to have two future allotments they perforce give her none.

AND THE REASON.

Some time before 1898 she had an allotment in the Peoria Nation and we again ask what if she did?

The Dawes Commission are not to give her an allotment in the Choctaw, Chickasaw or Creek Nations as well as the Cherokee Nation nor subsequent to June 28, 1898, an allotment in the Peoria Nation, perhaps though that is not certain

FOR THIS REASON.

Paragraph eight has nothing to do with allotments in the Peoria Nation. It refers to Cherokee, Creek, Choctaw, Chickasaw and Seminole Nations and no one Indian is to receive two allotments at the hands of the Commission ^{any} in two of these Nations; but where is the law prohibiting a Cherokee or Creek or any member of either of the five tribes from receiving an allotment in the Peoria or any other Nation outside of the five?

We, therefore, respectfully submit:

1. That paragraph eight prohibits the Dawes Commission from allotting to any Indian lands in two of the five civilized tribes, but has no application to allotments made in other tribes prior to June 28, 1898.

2. That it speaks in futuro.

3. That Nancy Sky lost no right under any law by taking an allotment in the Teoria Nation prior to June 28, 1898.
4. That she and her child are entitled to enrollment.
5. That her child is entitled even under reasoning of the decision of the Commission.

Respectfully submitted,

Kimball & White
Deane & Fulton

Attorneys for Applicants.

ATTORNEYS:

W. W. HASTINGS, Tahlequah, I. T.
J. L. BAUGH, Chouteau, I. T.

STENOGRAPHER:

J. C. STARR, Vinita, I. T.

MARSHALS:

JOHN PARKS, Vinita, I. T.
W. B. WYLY, Tahlequah, I. T.

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....1250

Muckogee

Post, Ind. Ter., Jan. 0, 1902.

United States Indian Agent,

Wyandotte, I. T.

Dear Sir:

Please advise us if Nancy Sky the wife of William Sky received an allotment in the Peoria Nation and if so give date, and also advise us what payments she has drawn. Also advise us if a child named Motley Sky ever drew any land or money in the Peoria Nation, and if you find that this woman or her child drew land or money there please send us certificate to that effect.

Yours very truly,

Atty. for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLEWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1250.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Nancy Sky for the enrollment of herself and her child, Motley Sky, as Cherokee citizens of Shawnee blood.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 63.

COMMISSIONERS
HENRY L. DAWSON
TAMM B. B. BRYAN
THOMAS B. NEEDLES
C. R. BREWSTER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1250.

ALFRED L. ALLEN
N. C. C. C.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 4, 1902.

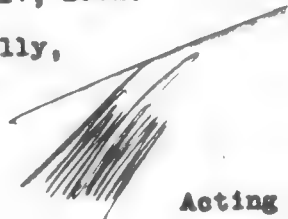
W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Nancy Sky for the enrollment of herself and her minor child, Motley Sky, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on September 17, 1902.

Respectfully,



Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee R-728

ALLISON L. AYLESWORTH,
SECRETARY

Tahlequah, Indian Territory, July 6, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on May 19, 1903, the Secretary of the Interior denied the motion made May 13, 1903, to reopen the application of Nancy Sky for the enrollment of herself and family as citizens of the Cherokee Nation, reaffirming his approval of September 17, 1902, of the Commission's decision rejecting that application.

Respectfully,

Commissioner

MEM

XO.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

OMR

ITD 4991-1902.
3412-1903
8011-1903.

September 23, 1903.

408

Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Sir:

With your letter of September 10, 1903, was received a reply by you to a motion of Nancy Sky and others, requesting the Department to reopen the case involving their application for enrollment as citizens of the Cherokee Nation. As you state that the motion was filed by the attorney for Nancy Sky et al., your reply should have been served upon said attorney and not upon Nancy Sky. The motion to which you refer has not been received by the Department. The reply is herewith returned for proper action.

Respectfully,

1 inclosure.

J. D. Ryan
Acting Secretary.

REGISTRY RECEIPT.

Post Office at

Registered Letter No. 144 Rec'd 190
Perch

of attys For Cherokee &

addressed to Mrs. Nancy Sky
Bevia. I. T.

P. M.

December 12
IN THE MATTER OF THE APPLICATION OF

Nancy Shy et al

ALZES

Original testimony Oct 30/01
Memo of application Oct 30/01
Birth affidavit Mother Shy
of Notice of final consideration, 5/22/02

Transferred to R-728

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1251

Cher D 1251

1261257

Isabel H. H. H. H.

Isabel H. H. H. H.

Isabel H. H. H. H.

Isabel H. H. H. H.

COMMISSION OF THE FIVE CIVILIZED TRIBES

FILED

NOV 12 1901

Isabel H. H. H. H.

ACTING CHAIRMAN

Cherokee

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Isabell Richter for the enrollment of herself and one child as Cherokee citizens by blood; being sworn and examined by Commissioner Brackthridge, she testified as follows:

- Q Give me your full name? A Isabell Richter.
Q How old are you? A 27.
Q What is your post-office? A Here now.
Q Vinita? A Yes sir.
Q You live in the Cherokee Nation? A Well I did when I was a child; I haven't been here lately.
Q Not since you were a child? A Well not for the last 9 or 10 years.
Q Where do you claim your home at this time? A Vinita is my home, but I have been living in Saint Louis.
Q Do you live in Cooweescoowee District or claim that as your home? A Yes sir.
Q Do you want to apply for yourself as a Cherokee by blood? A Yes sir.
Q Do you want to apply for anybody besides yourself? A My baby.
Q Just yourself and one child? A Yes sir.
Q Give me the name of your father? A Henry A. Cook.
Q Is your father dead? A Yes sir.
Q How long has he been dead? A I really don't know, I suppose about 5 or 6 years.
Q Give me the name of your mother? A Susan Cook.
Q Is she dead? A No sir.
Q Was your father a Cherokee by blood? A No sir.
Q Is your mother a Cherokee by blood? A Yes sir.
Q Where is she living now? A Here.
Q Here in Vinita? A Yes sir.
Q How long has she lived in the Cherokee Nation? A I don't know, about 22 or 3 years I believe, or all her life, I don't know which.
Q You have been married? A Yes sir.
Q When were you married? A 4 years the 28th of September, 1897, it is four years ago I believe.
Q To whom were you married? A Charles F. Richter.
Q He is a white man is he? A Yes sir.
Q Not a Cherokee? A No sir.
Q Have you a certificate of your marriage to him? A I have, but not with me.
Q Are you on any of the rolls of the Cherokee Nation? A All of them.
Q Were you born in the Cherokee Nation? A Yes sir.
Q How long did you continue to live in the Cherokee Nation from the time of your birth? A I must have been about 15 or 16 when I was sent away from here.
Q You were sent off when you were about 15 or 16? A Yes, my mother sent me to Saint Louis to school.
Q How long did you stay then? A Been there ever since; I have been there about 9 or 10 years, I must have been 16 or 17, something like that when I went there, I don't remember.
Q And you have been in Saint Louis ever since? A Yes sir.
Q You married in Saint Louis? A Yes sir.
Q What is your husband's business? A Plumber.
Q He is conducting that business in Saint Louis? A He is working at it, yes sir.
Q Give me the name of your child? A Charles E.
Q How old is the child? A He was 3 the 28th of July.
Q This child is too young to be on any roll I suppose? A Oh yes.
Q Is the child living now? A Yes sir.

Q What & Where was the child born? A In Saint Louis.

Q Have you an affidavit of the child's birth? A I sent the Commission one to Muskogee at the time you was at Muskogee the 1st enrollment.

Q Have you ever applied for enrollment before? A No sir, I was sick at the time you was here; my sister was enrolled here.

I sent a certificate of my child's birth and a statement to the effect that I was sick, but that was all.

Q Well this is your first application to be put on this roll?

A Yes sir, this is my first application, but the certificate of the child's birth was at that time sent to you, and I never received it back.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 78 #486, Isabelle Cook, Cooweescoowee District, native Cherokee.

1890 census roll of citizens of the Cherokee Nation examined for applicant and identified as follows:

page 132 #989 Isabel Cook, Cooweescoowee District.

Q Have you any one here who knows of your change of name by marriage and knows that you are married to your husband? A I knew Mr. Starr, but he is gone.

Q You have a marriage certificate that you consent? A Yes sir.

COM'R: Well you can file that in your case.

BY MR. DAVENPORT:

Q Have you and your husband at any time since you were married kept house in the Cherokee Nation? A No sir.

Q You wasn't married according to Cherokee laws? A Not that I know of.

Q And you now live in the city of Saint Louis, State of Missouri? A Yes sir.

BY COM'R BRECKINRIDGE:

Q Have you any farm or property of your own here in the Cherokee Nation? A Not of my own, no.

Q Your husband has never taken up any land here in your name and improved it? Or established any home? A No sir, my mother always held whatever was here.

Q Your mother has continued to hold property? A Oh yes.

Q What is your Saint Louis address? A We have moved back here I would have no Saint Louis address; address me here now.

Q Has your husband come with you? A He has not yet, he is coming. I have been here 2 weeks.

Q Is he coming? A Yes sir.

Q Does he intend to make his home here? A Yes sir.

Q Is that so this is your home at this time? A Yes sir.

Q You have come and brought your child with you? A Yes sir.

Commissioner Breckinridge: The applicant applied for the enrollment of herself and one child. She is identified on the rolls of 1880 and 1890 as a native Cherokee. She was born in the Cherokee Nation and there lived until 16 or 17 years of age, when she was sent to Saint Louis to school. She has continued to reside at Saint Louis, Missouri, since that time, and there married in September, 1897, to a non-citizen, and she has continued to reside there ever since her marriage. She is now 27 years of age. Under these conditions the applicant will now be listed for enrollment as Cherokee by blood on a doubtful card, for the further consideration of the effect upon her citizenship of her continued actual residence in the State of Missouri. Her child named in the testimony is too young to be upon any roll. This child will now be listed for enrollment as a Cherokee by blood on a doubtful card with its mother, and she is desired to supply the Commission with a

Isabell Richter et al 3

certificate of her marriage. The final decision of the Commission will be made known to the applicant at her post-office address.

I. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this November 5th, 1901.



Commissioner.

D1251

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 5 1902

ACTING CLERK

R.

C. D-1251.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Isabell Richter for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 22d day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 22d day of March, 1902, appears in person.

ISABELL RICHTER, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Isabell Richter.

Q What is your post office address? A Vinita.

Q You have heretofore applied to the Commission for the enrollment of yourself and child as citizens of the Cherokee Nation? A Yes sir.

Q Is there any further statement you desire to make with reference to your application?

A Nothing, only I was asked, when I made my application before, how long my mother had been here. I understood him to mean in Vinita and I answered twenty years. My mother has been in the Territory all her life. She was born here and has lived here always.

Q Since the date of your original application to the Commission in October, 1901, you have been residing continuously at Vinita?

A Yes sir. Are you living there at the present time?

A Yes sir, I am living there, that is my home. My mother has always lived in the Territory.

MR. HASTINGS: When did you come back here?

A About six months ago. Five or six months.

Q Do you know what month? Before or since Christmas?

A It was before Christmas.

Q About how long?

A About five months. I came there in October.

Q October, 1901? A Yes sir, it was before Christmas.

BY COMMISSION: Do you submit the case to the Commission for final decision? A Yes sir.

The applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isabell Richter for the enrollment of herself and child, Charles H. Richter, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 31, 1901, Isabell Richter appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of herself and minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The evidence shows that the said Isabell Richter is identified upon the 1880 authenticated roll of the Cherokee Nation, also the 1896 census roll of said nation; that the said Charles H. Richter is too young to be upon any of the tribal rolls of said nation but is duly identified by birth affidavits on file with the Commission.

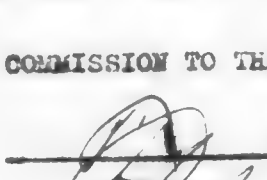
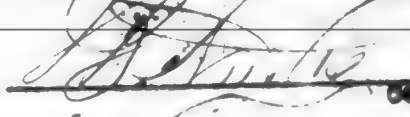
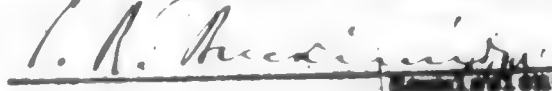
The evidence further shows that the said Isabell Richter was born in the Cherokee Nation and resided therein until the year 1891, when she left said nation to attend school in St. Louis, Missouri, and that since that time and until two weeks prior to the date of this application, she continuously resided in St. Louis, Missouri, where she was married in September, 1897, to one Charles F. Richter; that her child, Charles H. Richter, was born and has always resided with her in St. Louis, Missouri; that the said Isabell Richter and her child, Charles H. Richter, were not residing in the Indian Territory on June 28, 1898.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Isabell Richter for the enrollment of herself and minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUL 24 1902

IN THE DEPARTMENT OF THE INTERIOR.

-----oCo-----

In re Application of Isabel)
Richter, et al., for enrollment)
as Cherokee citizens.)

-----oCo-----

MOTION FOR REVIEW AND REHEARING.

And now come the applicants by their attorneys and move that the decisions of the Commission and of the Department in this case be set aside and a new hearing granted and had for the following reasons: set forth in the affidavit hereto attached.

We respectfully request that the decision rejecting the applicants be set aside and a rehearing granted and that the cause be referred back to the Commission in order that testimony may be introduced establishing the facts set forth in said affidavit.

Respectfully submitted,

Harry G. Kimball

Arthur Henry White

Attorneys for Applicants.

IN THE DEPARTMENT OF THE INTERIOR.

-----oCo-----

In re)
Application of Isabel Richter :
for enrollment as a Cherokee)
citizen. :

-----oCo-----

Indian Territory,)
; ss:
_____ District.)

Personally appeared before me Susan Sanders, who being first duly sworn deposes and says that she has been duly enrolled as a Cherokee citizen by blood and that the applicant Isabel Richter is her daughter; that the father of said applicant was named Henry A. Cook and is now dead; that affiant was divorced from said Henry A. Cook about the year_____, in which divorce proceeding affiant was given the custody of the applicant, who was then about 13 years of age; That applicant continued to make her home with affiant until applicant was married on, to wit, the 28th of September, 1897; that affiant's residence has been in the Cherokee Nation from birth until the present.

That when applicant was about 15 or 16 years of age affiant was in St. Louis and became sick in that city, when applicant came to affiant for the purpose of waiting on her; that on account of the poverty of both affiant and applicant, the latter was compelled to work in St. Louis for her board while attending school, and that she continued to work and support herself in part until she was married.

That affiant has been informed by her attorneys that applicant testified before the Commission on October 31, 1901, that applicant had no farm or property of her own in the Cherokee Nation, and in this she was mistaken; that affiant drew the strip money for applicant when applicant was a minor, being then about 20 years of age, and with this strip money bought improvements on

the public domain in the Cherokee Nation for applicant from one Dan Batchel, which she later sold to one Sam Leforce; that thereafter she bought other improvements on the public domain from one Bill Nobles, which she sold to a Mr. Drake, who still ^{owns} ~~knows~~ them. That thereafter she bought another place ~~with~~ ^{which} she called the Tuck Sanders place near Centralia, which was sold to T. J. Burke; that thereafter she bought other improvements on the public domain in the Cherokee Nation; that all of these places were bought with money belonging to the applicant and her brothers and belong to them, although affiant bought them in her own name and exercised control over the same for her said children; and affiant further says that at one time she gave applicant a bill of sale for one of these farms, but that applicant returned this bill of sale requesting affiant to continue ^{to} hold the same for her because of difficulty applicant had with her husband.

Affiant further says that during all the time the applicant was absent from the Cherokee Nation this affiant has held improvements in the Cherokee Nation in which the said applicant has had an interest.

Witness to mark
Frank L. Burchhalter

(Signed) ^{her} Susannah Sanders
mark

Subscribed and sworn to before me this 3rd day of October
~~September~~, A. D. 1904.

(Seal)

(Signed) Frank L. Burchhalter
Notary Public.

MAR 21 1935

COMMISSION TO FIVE TRIBES.

Cherokee-R-729.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, March 9, 1905.

In the matter of the application for the enrollment of
Isabelle Richter as a citizen of the Cherokee Nation.

On this, the 9th. day of March, 1905, the applicant,
Isabelle Richter, by her attorneys, Kimbal & White, ask for a
continuance in this case.

Motion for continuance denied.

The Cherokee Nation, by its attorney, W. W. Hastings,
submitted the case upon the record as now made up.

Eula Jeanes Branson, being duly sworn, states that, as
stenographer to the Commission to the Five Civilized Tribes, she
reported the proceedings had in the above entitled cause on the 9th
day of March, 1905, and that the above is a full and complete
transcript of her stenographic notes taken in said cause on said
date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 18th. day of March,
1905.

Myron White
Notary Public.

FILED

APR - 4 1905

COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, March 30, 1905.

In the matter of the application for the enrollment of
Isabell Richter and Charles H. Richter as citizens by blood of the
Cherokee Nation.

COMMISSION.

Cherokee Nation represented by W. W. Hastings.

Susan Sanders, being duly sworn, testified as follows:

COMMISSION:

- Q. What is your name? A. Susan Sanders.
- Q. What is your post office address? A. Vinita.
- Q. How old are you? A. It is a question, I guess. But I think I am about 55 years old.
- Q. Are you related to Isabell Richter? A. I am her mother.
- Q. Where was Isabell Richter born? A. On the other side of Fort Gibson, near the old cemetery.
- Q. How old is she? A. I think she will be 31 this coming August.
- Q. Where has she resided since her birth? A. We lived at Fort Gibson, on Grand River, on Horse Creek, and have lived at Vinita for 27 years.
- Q. She lived here until about 14 years ago when she left the Cherokee Nation? A. As to the date, I don't know, but I don't think it has been that long. She didn't leave. I took her with me to Chicago.
- Q. About 14 years ago? A. I don't think it has been that long.
- Q. Where did she go at that time? A. She was there about three weeks.
- Q. Then where did she go? A. I sent her back to St. Louis.
- Q. How long did she live there? A. She stayed there about-- perhaps --- I will say a year.
- Q. Did she go to school? A. No, she worked for her board. I was operated on in Chicago.
- Q. She was married in St. Louis? A. Yes sir, but that was a long time after that.
- Q. What was her husband's name? A. Richter.
- Q. Did she ever return to the Cherokee Nation? A. Yes sir.
- Q. When? A. I don't know any dates, and I am not going to try to tell you any dates. I am uneducated.
- Q. When did she marry? A. I don't even remember that.
- Q. Since her marriage hasn't she lived with her husband in St. Louis? A. She separated from her husband and returned home about four years ago.

- Q. Is it not a fact that from the time that she went away, about 1891, to about three years ago, she has not been in the Cherokee Nation? A. She came back and I sent her to school at different places for several years.
- Q. Where did she have her home during that time? A. At Vinita.
- Q. Who is Charles H. Richter? A. That little boy (indicates a child across the room).
- Q. Is he the son of Isabelle Richter? A. Yes sir.
- Q. How old is he? A. About 7 years old.
- Q. Where was he born? A. In St. Louis.
- Q. When did you last see Isabell Richter? A. She has been gone three years this coming July.
- Q. Is it not a fact that you have neither seen nor hear from her since that time? A. No sir, I have not.
- Q. You do not know whether she was living on September 1, 1902 or not? A. I know she was living.
- Q. You do not know whether she was living on September 1, 1902. A. I know she left me on the 4th. day of July, three years ago this coming July.
- Q. And you have not seen or heard from her since? A. No sir.
- Q. And this child has been in your custody since then? A. Yes sir.
- Q. Did Isabell Richter ever own any property in the Cherokee Nation? A. Yes sir.
- Q. What did she own? A. I invested her strip money, and I always kept a place for all of the children.
- Q. Have you applied before the Dawes Commission for enrollment? A. Yes sir, when it first opened up at Vinita.
- Q. Are you a Cherokee by blood? A. Yes sir.
- Q. Who was the father of Isabell Richter? A. Henry Cook.
- Q. Is he dead? A. Yes sir.
- Q. How long has he been dead? A. You see, I never paid no attention to that-- to the dates. He has been dead about 7 or 8 years.

MR. HASTINGS:

- Q. Isabell Richter was married in St. Louis? A. To my knowledge I don't know.
- Q. She testified that she was married on the 28th. day of September, 1897. Do you think this correct? A. I don't like to say about the dates.
- Q. She says she lived up there in St. Louis until a very short time before she made this application in 1901. Is that correct? A. -----
- Q. You say that the following July she left you? A. It will be three years this coming July.
- Q. You have not heard from or of her since? A. No sir.
- Q. Didn't you send her her strip money when you drew it for her in 1894? A. No sir, not a dollar.
- Q. Was she single and unmarried at that time? A. Yes sir.
- Q. You never bought no place in her name? A. Yes sir.
- Q. Have you that bill of sale? A. I don't know what the Commission has done with it. It has been in their hands ever since I made the first attempt to file for her.
- Q. You do not mean that it is with her citizenship papers? A. It is with the papers that I started to file first--- I mean that it is with the papers that I filed when I first tried to file for her. They were sent to Tahlequah.
- Q. Supplemental testimony taken on March 22, 1902 shows that Isabell Richter testified that she came back in October, 1901. A. I guess it is right. She ought to know. She was educated.

- Q. Then she had not been here but a short time when she applied?
A. Something like three months.
- Q. Where was the farm that you purchased for her? A. Up on what is called Snow Creek, just this side of the Kansas line.
- Q. Of whom did you purchase it? A. A man by the name of T. Regles.
- Q. When did you buy it? A. I bought it before the strip payment, but didn't pay for it until the strip money was paid.
- Q. You bought it in your own name? A. Yes sir.
- Q. Took the bill of sale in your own name? A. Yes sir.

COMMISSION:

- Q. You appear here today on behalf of your grandson? Yes sir.

WITNESS EXCUSED.

This case will be held open until April 13, 1905.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 30th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 3rd. day of April, 1905.

Myron White
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Isabell Richter, et al., as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The records of this office show that on June 30, 1901, at Vinita, Indian Territory, Isabell Richter appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor child, Charles W. Richter, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902.

The records further show that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision in the above noted case, denying the application of the applicants herein for enrollment as citizens by blood of the Cherokee Nation, which decision was, on August 29, 1902, approved by the Department. Thereafter, on January 12, 1905, the Department remanded said case for further evidence (I.T.D. 4985, 6608, 6651-1902, 6652, 6654-1902, 7162-1903, 1740, 7729, 8706-1904, 10542-1904). Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 9, 30, July 13 and May 25, 1905.

The records further show that, although notices have been sent and opportunity given the principal applicant herein to appear and give testimony relative to her right to enrollment as a citizen by blood of the Cherokee Nation, she has failed to do so or to respond in any manner to the notices sent her.

The evidence in this case shows that Isabell Richter, who is identified on the 1880 authenticated tribal roll and the 1896 census roll of the Cherokee Nation as a Cherokee by blood, was born in the Cherokee Nation about the year 1874, and resided therein until 1891, when she left said Nation to attend school in Saint Louis, Missouri; that while residing in said city she, in September, 1897, was married to Charles F. Richter, a citizen of the State of Missouri; that she continued to reside with her husband in said State until October, 1901, when she returned to the Cherokee Nation and remained therein until July, 1902, when she again left the Cherokee Nation, and since that time has not returned thereto.

It is contended on behalf of the principal applicant that during her absence from the Cherokee Nation she has been in possession of improvements located in said Nation, purchased with funds derived from the 1894 Cherokee strip payment, but the

evidence fails to establish this contention. The principal applicant, on her appearance before the Commission on October 31, 1901, stated that she was possessed of no property located in the Cherokee Nation, and the testimony of her mother, taken on March 30, 1905, shows that the improvements said to have been owned by the principal applicant were purchased prior to the 1894 payment, and in the name of the mother of the principal applicant.

In view of the above facts it is considered that the said Isabell Richter forfeited her rights to citizenship in the Cherokee Nation under the provisions of section two, article one of the Cherokee Constitution, which in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The minor applicant, Charles E. Richter, is a son of the principal applicant, Isabell Richter, and Charles F. Richter, a non-citizen of the Cherokee Nation, who was born since the forfeiture of the citizenship of his mother, and possesses no rights to enrollment other than those he may derive through his mother.

It is, therefore, ordered and adjudged that under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Isabell Richter and Charles E. Richter are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied.

SIGNED).

Tame Dixby.

Commissioner

Dated at Muskogee, Indian Territory,

this OCT 20 1905

C 20 1287

COMMISSIONER OF DEEDS

NOTARY PUBLIC

MISS FOX

STENOGRAPHY AND TYPEWRITING

COLORADO BUILDING

TELEPHONE, MAIN 932

WASHINGTON, D. C.

THE GRANT CO., BOND BUILDING, WASHINGTON, D. C.

BEFORE THE COMMISSIONER TO THE FIVE CIVILIZED
TRIBES, CITIZENSHIP DIVISION.

In the matter of the enrollment of)
Isabelle Richter, et al,)
for citizenship in the Cherokee Nation.)

Susan Sanders, being presented as a witness for
the applicant, and being sworn according to law testifies
as follows:

Present on behalf of the Cherokee Nation: W.W.
Hastings, Attorney: and on behalf of the Claimant, Kenneth
S. Murchison.

Q. Give your name, age and residence.

A. Susan Sanders; 55 or 60 years of age; resi-
dence Vinita, Indian Territory.

Q. Mrs. Sanders, do you know Isabelle Richter?

A. Yes, sir.

Q. Do you know Chas. H. Richter?

A. Yes, sir.

Q. What relation, if any, are you to them?

A. I am mother to the girl and grandmother to
the child.

Q. Mrs. Sanders, will you state what, if any,
property was owned in the Cherokee Nation by Isabelle Rich-
ter during her absence from the Cherokee Nation?

A. She had a farm- there was 150 acres.

Q. What was your means of knowledge as to her own-
ership of this farm?

A. First I bought a farm and deeded it over to the three children, Henry Cook, W. H. Cook and Belle Cook.

Q. Who was Belle Cook?

A. That was Isabelle Cook.

Q. Who now is Isabelle -

A. That is my daughter - Belle Richter.

Q. That occurred when?

A. Those dates are what bother me. I bought the place just when I closed out my business in Vinita. I cannot recall the date.

Q. What land did you deed to your daughter, Isabelle Richter?

A. I sold this place then and bought another place from Bill Nobles and traded that place with Bill Nobles and deeded the other place to her.

Q. I will show you a paper, Mrs. Sanders, which purports to be a rental contract between S. Cook and Philip Ragel.

A. That is the place I paid for ^{with} this strip money.

Q. Did you make that lease as her agent or representing her?

A. Being her mother - the children never have, any of them, taken their business out of my hands.

Q. Was she of age at the time that was made in '99?

A. I cannot remember dates, though I remember the facts of the deals.

Q. Do you remember when Isabelle Richter was born - the year she was born?

A. No, sir.

Q. Has this tract of land that you bought for her been taken in allotment by any other member of your family?

A. No, sir.

Q. Then you state positively that your daughter, Isabelle Richter, during her absence from the Cherokee Nation has owned property in the Cherokee Nation through your holding the same or purchasing the same for her?

A. Yes, sir.

That is all.

Cross-Examination.

X.Q. You have handed me the rental contract which you gave testimony about a moment ago.

A. Yes, sir.

X.Q. Your attorney did not see fit to offer it in evidence. Have you any objection to having it copied in the record?

A. No, sir; I have no objection whatever.

Mr. Murchison: I wish to offer it in evidence.

"RENTAL CONTRACT.

"Between Mrs. S. Cook of Vinita, I. T. and Phillip Ragel of Edna Kan. for the year of 1899 - commencing January 1, 1899 and ending Dec. 30, 1899

"Said Phillip Ragel does agree for and in consideration of the rental of about fifty acres (more or less) of cultivating land, known as that of Mrs. S. Cook, lying South of State line of Kansas and cornering with section No. 18 Town 35, Range 19 E. of Elm Grove, Twp. La Bette Co. and

State of Kansas. To give one-third (1/3) of all grain of any description, delivered to Mrs. S. Cook, on said land, in orib if there be one, and in pille if there be no crit of bin.

" In Witness Whereof I have hereunto set my hand this 27th day of February 1898 A.D.

(Signed) Phillip Pagel."

X.Q. How many times have you testified in this case?

A. This is the second time.

X.Q. You have testified but once before?

A. Yes sir.

X.Q. How old is this child, Charles H. Richtel?

A. You see, I am at a loss there.

X.Q. About how old?

A. I should judge he is eight, turning into his ninth year.

X.Q. Is that her only child?

A. Yes sir.

X.Q. The only child she was ever the mother off?

A. Yes sir.

X.Q. When was he born?

A. In St. Louis.

X.Q. Where was Isabelle married?

A. St. Louis.

X.Q. What does her husband do?

A. He was a plumber. I have not seen him since she came home. That is five years ago. I have had the child since.

X.Q. They lived together up to their separation?

A. Yes sir.

X.Q. Since then, she has continued to reside in St. Louis?

A. No sir.

X.Q. Where does she reside?

A. We have been unable to find her for four years.

X.Q. You have not heard of her in four years?

A. She went South.

X.Q. You don't know where she is?

A. No sir.

X.Q. Until she left there, was she residing in St. Louis?

A. No sir, she was keeping house at Vinita.

X.Q. How long had she kept house there before she left?

A. About a year.

X.Q. When did she come?

A. I cannot tell you.

X.Q. When did she leave?

A. Four years ago the fourth day of July next.

X.Q. The fourth day of July, 1902?

A. It will be four years this coming fourth day of July.

X.Q. You have not heard from her since. You do not know whether she is living or dead?

A. No sir.

X.Q. You do not know whether she was living in September, 1902. You heard of her in July before?

A. Yes, I heard of her then.

X.Q. You have not heard of her since then?

A. No sir.

X.Q. You do not know whether she is living since then?

A. No sir.

X.Q. How long before her marriage had she resided in St. Louis?

A. Only a short time.

X.Q. How long?

A. I cannot tell you. She went to school to Baird College--

X.Q. What is your judgment as to how long she lived there before her marriage?

A. Well, she was away--she would come home and then back to Clinton, Missouri--

X.Q. You said the first place you bought for her?

A. For the three of them. Then I sold it.

X.Q. Where was that?

A. It was on Wash Cabin, above Dan Baitzel's place.

X.Q. When was that place purchased?

A. I do not know the date but know everything about the business matters.

X.Q. It was after Isabelle's marriage?

A. Oh no!

X.Q. Where was she at that time?

A. She was at Baird College then. She and Florence went there four years.

X.Q. In whose name was this place purchased?

A. In Henry Cook, W. D. Cook and Isabelle Cook.

X.Q. Where is the bill of sale?

A. That was destroyed when the Muskogee fire was burned. I had all my papers there before Colonel Widdow.

X.Q. You sold the place then?

A. Yes.

X.Q. And gave title?

A. I bought the place and deeded it to the children and I thought I was about to die and I started to put it on record.

X.Q. You sold it?

A. Yes.

X.Q. To whom, and when?

A. I sold it to—I cannot call the name.

X.Q. When did you sell it?

A. I sold it just before the Strip payment.

X.Q. How long before the Strip payment?

A. It must have been some seven or eight months. Now I remember the name. I sold it to Sam LeForce.

X.Q. When did you purchase another place?

A. I took the same money and purchased a place up the Big Creek.

X.Q. How much did you get for it?

A. I cannot tell you. I got \$300 in money and some town property.

X.Q. When did you buy the place on Big Creek?

A. I bought it shortly afterwards.

X.Q. About how long?

A. I bought it just before the Strip payment.

And paid for it after the Strip payment.

X.Q. You did not pay for it with the money you got for the other place?

A. I paid up their schooling with it.

X.Q. Then that money did not go into it?

A. That went to pay their schooling.

X.Q. In whose name was the property bought?

A. In Isabelle's name.

X.Q. When did you sell that?

A. I sold it about three years ago.

X.Q. Who sold it?

A. I sold it.

X.Q. To whom?

A. Mr. Patcliff.

X.Q. And he allotted it?

A. I do not know what he did with it.

X.Q. You know it has been allotted?

A. No, I do not know that.

X.Q. But you know you are not deriving any benefit from it?

A. No sir.

X.Q. How much did you get?

A. I got a hundred dollars and settled up a debt. I had her boy to care for and I asked the Court, would it be right to sell it without administering the estate.

I saw Judge Thomas and he said if it was in my name, I had a right to sell it. The bill of sale was made out to me but that was burned. That was made out individually to me.

Q. Who rented it?

A. I. and P. Ragels.

X.Q. That is the rental contract (indicating)--that is in your name?

A. Yes, I did the business and always in my own name.

X.Q. You did not stipulate that you were acting as anybody's agent?--that you did not do it for yourself?

A. I told you I did it but not for my individual benefit.

X.Q. Does that contract state it was for anybody's benefit but yours?

A. I sent them the proceeds. I paid their schooling while they were at school.

X.Q. But she had not been at school since that place was purchased.

A. But I used the money for their benefit.

X.Q. But she has a child ten years old and she must have been married ten or twelve years and therefore you could not have used it for her schooling?

A. When she went to Baird College, I had the place down there.

X.Q. I am talking about this last place. What became of that?

A. I kept it for the benefit of her child. I have the child with me.

X.Q. You did not have it until after she left the country? What became of the proceeds.

A. I sent it to her.

X.Q. How much did you send?

A. Sometimes it would be fifty dollars and sometimes sixty. I did have a lot of the accounts but could not find them this morning.

X.Q. You gave a bill of sale to Mr. Ratcliffe in your own name?

A. No--I did not know whether I did or not.

X.Q. But you sold it to Mr. Ratcliffe? He paid you for it?

A. Yes sir.

X.Q. You did all the trading?

A. Yes sir.

That is all.

Re-Direct Examination.

R.D.Q. When your daughter Isabelle was married, had she left school?

A. Yes, she had left school but she had just got through Bryant & Stratton's College here. She came from Baird's College here and then went to Bryant & Stratton's College here. Her name is there on the book.

R.D.Q. How long after she left school was she married?

A. I cannot give those dates.

R.D.Q. Cannot you approximate it?

A. No, I don't want to approximate it. I am sworn to tell the truth.

R.D.Q. You might say a month or two or a year or two.

A. I was sick and would not want to give dates. I know the facts in regard to buying the places and holding them for the children. I control it for the children still.

There is Henry--I hold his in my own name.

R.D.Q. When you sold this place to Ratcliffe, you have stated you are uncertain whether you gave the bill of sale in your own name. What did you do with the proceeds?

A. I sent it to her.

R.D.Q. When you sold the place?

A. No, you mean previous to that.

R.D.Q. No, when you sold the place to Ratcliffe. What did you do with that money?

A. I kept it to raise her child with, and pay up some debts.

R.D.Q. So you swear that she received all the benefits of this property while it was under lease or rent and that since then, the benefits have gone to her infant son?

(Objected to because the question is leading and the witness has testified with reference to these matters and it calls for a conclusion as well and it should be left to the Commissioner to the Five Civilized Tribes and to the Secretary of the Interior upon appeal as to the conclusions to be drawn from this testimony.)

A. Yes.

That is all.

It is agreed by both parties that the stenographer shall transcribe the notes taken of the witness in this case and after the same shall have been sworn to by the stenographer as to their correctness, it shall be considered as the testimony of the witness.

District of Columbia, ss:

Before me, L. M. Fox, a Notary Public in and for the District of Columbia, personally appeared Susan Sanders on the 13th day of February, 1906, and before giving the foregoing testimony, was duly sworn by me to tell the truth, the whole truth and nothing but the truth.

Given under my hand and seal this 13th day of February, A.D., 1906:

L. M. Fox,

Notary Public, D.C.

District of Columbia, ss:

Before me, Nettie P. McKnew, a Notary Public in and for the District of Columbia, personally appeared Lydia M. Fox, and being by ^{me} first duly sworn, stated on oath that she was the stenographer in the foregoing case and that the foregoing is a correct transcript of her shorthand notes taken therein.

Lydia M. Fox,

Subscribed and sworn to before me on the day and year above written.

Nettie P. McKnew

Notary Public, D.C.

HENRY L. DAVIS
TAMM BIXBY
THOMAS B. NEEDLE
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1251.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Isabell Richter for the enrollment of herself and her child, Charles H. Richter, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 59.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1251.

ALLISON I. AYLESWORTH
SECRETARY

ALLIANCE OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Isabell Richter for the enrollment of herself and her minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,



Acting Chairman.

Land 23097-66094
1904.

(COPY)

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

In compliance with the request contained in Department letter of September 23, 1904 I. T. D. 7729-1904, there is enclosed the record relative to the application of Isabell Richter, et al., for enrollment as citizens of the Cherokee Nation.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-AAG

HARRY G. KIMBALL.
WILLIAM HENRY WHITE.

KIMBALL & WHITE,
Attorneys at Law,
COLUMBIAN BUILDING, 416 5TH ST., N. W.,
Washington, D. C.

October 6, 1904.

W. W. Hastings, Esq.,
Muskogee, Ind. Ter.

Dear Sir:

We enclose herewith carbon copy of motion for review and
rehearing in re application of Isabel Richter, et al., for enroll-
ment as Cherokee citizens.

Very respectfully,

Kimball & White

DC 2548-

(COPY)

I.T.D. 4985, 6608, 6651-1902
6652, 6654, - "
7162-1903
1740, 7729, 8706-1904
10542- "

JWH
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FHE

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 12, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of a motion for a rehearing in the matter of the Cherokee enrollment case of Isbell Richter, et al., submitted on behalf of the applicants by Messrs. Kimball and White of this city, transmitted through the Indian Office, and forwarded by the Acting Commissioner October 13, 1904.

It appears that Isabell Richter was born in the Cherokee Nation; that her name is found upon the 1860 and 1896 census roll; that she resided continuously in the Cherokee Nation from the date of her birth until she was about sixteen years of age; that thereafter she retained her home with her mother in said nation, although attending school in St. Louis, Missouri, until her marriage to Charles F. Richter, a white man, which occurred September 23, 1897.

You refused to enroll the applicant July 29, 1902, by

reason of paragraph 9 of section 21 of the Curtis Act, which provides that-

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The testimony in this case was taken under a different construction and understanding of the law than that which now obtains. Since your decision of July 29, 1902, it has been held by the Assistant Attorney General for this Department (see his opinion of March 16, 1903, in the case of Joseph D. Yeargain), that the paragraph quoted above has no reference to persons who had theretofore resided in the nation.

At her hearing October 31, 1901, the principal applicant, in reply to a question as to whether she owned any farm or property of her own in the nation, stated: "Not of my own, no." She further testified that her mother always held whatever property was there.

The motion for rehearing now under consideration is supported by the affidavit of Susan Sanders, mother of the principal applicant. She testifies that she drew the strip money of the applicant when the latter was a minor, and that with this strip money she bought improvements on the public domain in the Cherokee Nation. The affiant gives the name of the party from whom she bought improved lands and relates

specifically what disposition she made of the same. In each instance the property rights thus obtained were acquired with funds derived from the strip money paid to the affiant on behalf of the principal applicant as a citizen of the Cherokee Nation. It further appears that these lands are still held as the property of the principal applicant and the other children of Mrs. Sanders.

October 7, 1903, you recommended, in view of the opinion of the Assistant Attorney General in the Yeargain case, that the case of Isabell Richer, et al, be returned to you for further hearing. In letter of April 6, 1904, however, referring to the Mary L. Strickland and similar cases, the Department concluded that there was no reason why its decision of August 29, 1902, adverse to these applicants, should be disturbed.

Since the Department's letter of April 6, 1904, it has been held, in reference to Mrs. Strickland, that she never acquired citizenship in the Cherokee Nation. This being true, her case cannot be considered as a precedent for the disposition of the case of Isabell Richter. As to the latter there can be no doubt that she was a citizen of the nation in 1880 and up to 1896.

Inasmuch as the sole question at issue seems to be as to whether Isabell Richter lost her citizenship, said motion

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is hereby granted, and the record in the case is remanded for further investigation.

Respectfully,

(Signed) THOS RYAN,
Acting Secretary.

3 inclosures.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee-R-729.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. February 18, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Isabell Richter et al. as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental Letter of January 12, 1905 remanding this case for further investigation. The said Isabell Richter has, therefore, this day been directed to appear before the Commission, at its offices in Muskogee, Indian Territory at 9:00 o'clock A.M. on Thursday, March 9, 1905, and introduce further testimony relative to her residence in the Cherokee Nation.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire, touching the points indicated.

For your information, there is inclosed herewith copy of Departmental Letter above referred to.

Respectfully,


Chairman.

Encl. B.6.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R 729.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *YH*

BA
Muskogee, Indian Territory, October 20, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of Isabell and Charles H. Richter as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be notified of the action of the Secretary as soon as this office is advised of the same.

Respectfully,



Incl. S-263

Commissioner.

(C O P Y)

Land
85287-1905
86365-1905
86508-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON . November 11, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 20, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Isabell Richter for herself and her minor child, Charles H. Richter.

October 20, 1905, the Commissioner decided adversely to the applicants.

The record shows that on July 29, 1902, the Commission to the Five Civilized Tribes rendered a decision denying the applicants' enrollment, which decision was, on August 29, 1902, approved by the Department; that after, on January 12, 1905 (I. T.D. 10542-1904), the department remanded the case for further evidence.

The evidence shows that the principal applicant is identified on the 1880 authenticated Cherokee roll as the 1896 Cherokee census roll; that she was born in the Cherokee Nation about 1874, resided therein until 1891, when she left the Nation to -

attend school in St. Louis, Missouri, where she married a citizen of the State of Missouri and continued to reside with her husband until October, 1901, when she returned to the Cherokee Nation, remaining therein until July, 1902, when she again left the Nation and has not since returned thereto. It does not appear that the applicant ever had any property or personal effects in the Cherokee Nation. The minor applicant is a son of Isabell Richter and Charles F. Richter, a non-citizen, was born since the forfeiture of citizenship by his mother, and possesses no rights to enrollment other than through her.

Section 2, article 1, of the Cherokee Constitution, provides:

Whenever any citizen shall remove with his effects out of the limits of this Nation and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease.

There are also enclosed two communications from Susan Sande s relative to the rights of the applicants, which have been duly considered.

In view of the record the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

MEM-WDH

-: C O P Y :-

D. C. 62994-1905
I.T.D. 14946-1905
L R S

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 21, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 20, 1905, you retransmitted the record in the matter of the application of Isabell Richter for the enrollment of herself and minor child, Charles H. Richter, as citizens by blood of the Cherokee Nation.

Reporting November 11, 1905, the Indian Office recommended that your decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision dated October 20, 1905, is hereby affirmed.

Respectfully,

1 inclosure.

(Signed)

THOS REIN
First Assistant Secretary

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-729.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JA*

Muskogee, Indian Territory, November 29, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 20, 1905, rejecting the application for the enrollment of Isabell and Charles H. Richter as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 21, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-212

G. L. ...
Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-729.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 17, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In connection with the deposition of Susan Sanders, taken in Washington, D. C., February 13, 1906, in the Cherokee enrollment case of her daughter, Isabell Richter, and minor grandchild, Charles H. Richter, you are advised that on November 21, 1905, the application of Isabell Richter for the enrollment of herself and child, Charles H. Richter, as citizens by blood of the Cherokee nation was finally denied by the Department. The deposition has this day been forwarded to the Department with the request that it be considered as additional evidence, and that the Department adhere to its said decision.

Respectfully,

IS

Commissioner.

(COPY)

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,
LAND. OFFICE OF INDIAN AFFAIRS,
94023-1906. WASHINGTON.
47206-1906.

June 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a letter from the Commissioner to the Five Civilized Tribes, dated May 17, 1906, enclosing the testimony taken by consent in Washington, D. C., in the matter of the rejected Cherokee citizen enrollment case of Isabell Richter, et al.

The Commissioner decides that the deposition does not meet the usual motion for a rehearing; that as a motion for review no error is shown; and that there is nothing in the deposition not contained in the record; and he recommends that the deposition be considered as additional evidence and that the Department adhere to its decision of November 21, 1905.

In view of the fact that the testimony now filed is virtually the same and given by the same witness as heretofore, I concur in the recommendation of the Commissioner that the adverse decision of October 26, 1905, be adhered to.

The record is also enclosed.

Very respectfully,

(Signed) C. F. Larrabee,

M.M.M.E.

Acting Commissioner.

--Copy--

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:

103486-1906.

December 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 22, 1906, enclosing a motion filed in his office on June 23, 1906, praying for a rehearing in the Cherokee enrollment case of Isabell Richter et al.

The record in this case was transmitted to the Department in Office letter of June 12, 1906, (Land: 94023-1905, 47206-1906).

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

FWE-MH.

Direct.

J.Y. P

S.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 12, 1907.

D.C.8758-1907.
I.T.D.14946-1905.
24798-1906.
10992-1906.
7613-1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On November 21, 1905, the Department affirmed your decision of October 20, 1905, adverse to the application of Isabell Richter for the enrolment of herself and minor child, Charles W. Richter, as citizens by blood of the Cherokee Nation.

On June 13, 1906 (Land 47206-06), the Indian Office transmitted your report dated May 17, 1906, inclosing certain testimony taken by consent in this case.

You recommended that as the deposition does not meet the usual requirements for a motion for rehearing and as a motion for review no error is shown, that the Department adhere to its decision of November 21, 1905.

The Indian Office concurred in your recommendation, A copy of its letter is inclosed.

On December 8, 1906 (Land 103486), the Indian Office transmitted your report dated November 22, 1906, in the matter of a motion for rehearing in this case. A copy of

this motion was filed with the Department on June 22, 1906, by Mrs. S. Sanders.

You recommend that said motion be denied.

The Department has considered the additional testimony transmitted with your report of May 17, 1906, and the motion for rehearing, together with the record in the case. No proper reason appears to warrant a further hearing in the premises.

The additional testimony will be filed with the papers in the case, and the motion for rehearing is denied.

The record and accompanying papers are returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

2 inclosures.

Carbon copy and 3 inc. to Ind.Of.

A.F.Mc.

2-12-07.

REFER IN REPLY TO THE FOLLOWING:

Cherokee R 729

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the motion for a rehearing of the enrollment case of Isabell Richter and her minor child, Charles H. Richter, was denied by the Secretary of the Interior February 12, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

Enc. M 94


Commissioner.

Dec 12 1901
IN THE MATTER OF THE APPLICATION OF

Isabell Richter et al

Original testimony Ct 31 1901

Memo of application Ct 31, 1901

Disch of Isabell Richter
discontinued letter and receipt

Wm. J. Wright

Notice of final consideration, 3/22/02

Transferred to E-729

Cher D 1252

Cher D 1252

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FILED

NOV 13 1901

ACTING CHAIRMAN

504

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Leander J. Fish for the enrollment of himself and one child as Shawnee citizens of the Cherokee Nation.

Leander J. Fish, being duly sworn and examined by Commr. Brock-inridge, testified as follows:

Q What is your full name? A Leander J. Fish.

Q How old are you? A I am 48.

Q What is your postoffice? A Vinita.

Q In what district do you live? A Well, I am not keeping house now, I am right outside of the City limits.

Q Well, what district do you call your home, Coowasee power or Delaware? A Well I am on the east side of the Katy tracks, it is Delaware district.

Q You want to apply for enrollment as an adopted Shawnee do you?

A No, sir, I want to apply for enrollment as a registered Shawnee, or one of the Shawnees who purchased a right here.

Q One of the original Shawnees? A One of the original Shawnees, yes, sir.

Q Do you want to apply for anybody but yourself? A Yes, sir, my little boy here.

Q One child? A Yes, sir.

Q That is all, just you and one child? A Yes, sir.

Q Did you come here with the Shawnees, along back in the seventies?

A I came in the fall of '71.

Q Are you on the Shawnee roll? A Yes, sir.

Q Well, are you on the roll of 1880? A Well, I don't know whether I am or not, I wasn't present here at the time that roll was made, but my father told me he put me down on the 1880 roll, and if you find it you will find it Jake Fish.

Q Give me the name of your father? A Paschal Fish.

Q Is he dead? A Yes, sir.

Q How long has he been dead? A I can't just give you the date; it has been 7 or 8 years ago since he died.

Q Give me the name of your mother? A Hettie Fish.

Q Is she dead? A Yes, sir.

Q How long has she been dead? A She died when I was only 11 months old.

Q Well, you came with the Shawnees away back about '70? A I came in the fall of '71.

Q And where have you lived since then? A I lived part of the time, I lived on the Verdigris River in the Cherokee Nation.

Q Then how long did you continue to live in the Cherokee Nation?

A I was here about seven years I think.

Q Then where did you go? A I went from here to Baxter Springs.

Q Where is that? A That is in Kansas.

Q How long did you stay in Kansas, or out of the Cherokee Nation?

A I can't just state that question, I was back and forth, I don't remember just how long I did stay, I was in business there at Baxter, employed as a salesman.

Q What were you doing there? A I was selling goods.

Q When did you move back to the Cherokee Nation? A I came back in '83 I think, somewhere along there, '83 or '82, and then I went back again.

Q How long did you stay when you came back down here in '82 or '83?

A I stayed about six months.

Q Then you went back up to Baxter Springs? A Yes, sir.

Q How long did you stay up there? A I remained up in that part of the country till three years ago, I was in the Quapaw Agency part of the time in the Nation.

Q How much were you in the Quapaw Agency? A Well I presume I was there about eight or nine years.

- Q Then did you come here? A Yes, sir.
- Q Well, have you ever been readmitted to citizenship by the Cherokee authorities? A No, sir, I have not.
- Q So when you went back up to Baxter Springs you stayed there about eight or nine years and then went to the Quapaw Agency? A No, sir, I don't think I was at Baxter eight or nine years, I can't say just how long.
- Q About six years, and then you went to the Quapaw Agency and stayed there about eight or nine years, and then came here? A And then came here, yes, sir.
- Q You were engaged in merchandising up at Baxter Springs? A I was.
- Q Both times up there? A Yes, sir, I was acting as a salesman one time and one time in business for myself.
- Q Well, did you used to vote up there for people when elections came around? A No, sir.
- Q Did you ever come down here in the Cherokee Nation and vote? A Yes, sir.
- Q Would you do that regularly? A No, sir, not regularly.
- Q Did you ever take up any land in the Quapaw Agency? A I purchased a right in the Quapaw Agency, in the Quapaw Tribe.
- Q Did you register as a Quapaw? A Yes, sir.
- Q You exercised then the rights and privileges of a Quapaw citizen, did you? A Yes, sir, that was the understanding when I bought my right and they took me in, some call it an adoption, it was an adoption and a purchase combined; I was their attorney for ten years, and I attended to their business for them.
- Q What is the name of this child? A Joseph Paschal Tecumseh Fish.
- Q How old is this child? A He will be seven years old the 7th of January.
- Q He is here with you now? A Yes, sir.
- Q What is the name of that child's mother? A Katie Fish.
- Q Is she alive? A Yes, sir.
- Q Is she living with you now? A No, sir, she is living here in town, but we are not living together.
- Q When were you and she married? A We were married in 1885.
- Q What is she, Cherokee or what? A Well she claims Cherokee; I can't say what she is, I don't know whether she is, her and her father claims they were Cherokees by blood but I can't state that.
- Q How old is she? A I would take her for a white person, that would be my judgment.
- Q Well how old is she? A She must be about 21 or 22 years old.
- Q Is that all her age at this time? A I think so, yes, sir.
- Q This child must have been born when its mother was 13 or 14 years old? A She may be 22, we were married when she was quite young.
- Q Is she on any roll of the Cherokee Nation? A No, sir.
- Q Were you ever married except to this woman? A Yes, sir.
- Q Were you ever married before you married her? A Yes, sir.
- Q How many times? A Twice.
- Q Were both your former wives dead when you married this wife? A No, sir, both living.
- Q Did you ever have any divorce from your former wives? A I was divorced in about '83 from my first wife.
- Q How about your second wife? A We were divorced by limitation under the Arkansas Statute.
- Q What law can you cite that does that? A Mansfield's Digest, isn't it; I think it is in Mansfield's Digest, I don't remember the volume.
- Q Well, what was the name of your first wife? A Julia Parks.
- Q Where did you marry her? A In Baxter Springs, Kansas.
- Q And you parted from her? A Yes, sir, we separated.
- Q When did you get a divorce from her? A We had lived together five years and I got a divorce about a year after we separated.
- Q Well, when was that? A Sometimes along about '83 I should judge.

Q Have you a copy of the decree of divorce? A No, sir, I haven't.
Q Where was that divorce granted? A In Kansas.
Q Well, that was your first wife; then who was your second wife?
A Ella Conqueleman.
Q When did you marry her? A In about '86.
Q How long did you marry her? A We only lived together about six or seven months.

Q And then you parted? A And then we separated.
Q Well, what were the circumstances under which you say you got a divorce by limitation? A Well that was she had been gone for about 16 or 17 years or longer, I have never heard from her, and under the laws of Arkansas, which relate to limitation, the time granted us a divorce; well now I can't say it granted a divorce but they couldn't hold a person for a criminal prosecution because she was supposed to be dead.

Q You married her in 1886? A Yes, sir.
Q And you say she was gone about 16 or 17 years? A Yes, sir, I think she was gone 16 or 17 years, I never heard from her.
Q Well it is hardly 16 or 17 years now since you married that woman?
A Well probably it was somewhere along there, I can't remember the exact date.

Q Well then if there was such a limit the time hasn't expired yet, and if you claim lawful marriage to the woman by whom you now have a child 7 years of age, this period of limitation hasn't yet expired?

A Why five years I understand is the limitation under the Arkansas statute.

Q You said just now it was 16 or 17 years? A No, she has been away that long.

Q You claim five years as the statute? A Yes, sir.

Q Well then when did you marry this woman Katie? A I married her in 1885.

Q Well then if you married this woman Katie in 1885 you didn't wait any five years after your marriage to the other woman in 1886; you say you married your second wife in 1886, and now you say you married this woman Katie in 1885, so instead of waiting till the five years were out, you just married two at the same time? A No, sir, there is a mistake about it some way.

Q Well, can you reconcile the mistake; tell me the facts? A '95, that is when I married.

Q You married your present wife in '95? A Yes, sir.

Q Have you a copy of your license? A I have, they are right here (hands Commissioner paper.)

Commissioner: The applicants presents a license issued by the Clerk of the United States Court, First Judicial District, Indian Territory, under date of January 15, 1895, authorizing marriage between himself and Miss Mary C. Large, and the certificate shows that they were united in marriage in accordance with said license on the 27th day of the same month and year. This is filed herewith.

Q Now this Mary C. Large, that is the woman you call Katie? A Yes, sir.

Q That C stands for Catherine, does it? A Yes, sir. (hands Commissioner papers) I would like to have you look over those papers if you will, as to the birth of the child.

Q Was any application ever made to the Dawes Commission in 1893 for your admission or for the admission of this child to Cherokee citizenship? A This child here, no, sir.

Q You present an affidavit in record to the birth, it seems, of this child, which affidavit appears to have been made out in September, 1900? A Yes, sir.

Q Was application made at that time for the enrollment of that child? A No, sir, this paper, I understood that would be the proper way to proceed; I came down here when you were here last year, to

enroll, but we were too late, there were so many others that we didn't get to make our application.

Commissioner: These papers relate entirely to the birth of the child; you will keep them for the present.

Commissioner: On consulting the Shawnee Register of the Shawnees who emigrated from Kansas and registered within two years from the 8th day of June, 1889, there is found the name of Leander J. Fish, No. 337.

The 1880 authenticated roll of Cherokee citizens examined and the applicant, Leander J. Fish, not identified thereon.

The 1896 census roll of Cherokee citizens examined and neither of applicants identified thereon.

The 1896 Shawnee pay-roll examined, and neither of applicants identified thereon.

Q Did this child ever draw any money from the Cherokee Nation? A No sir, never did.

Q Ever draw any money from the Quapaw up there? A No, sir.

Q And land ever been taken in his name up in the Quapaw reservation? A No, sir, and I will state I believe I only drew one payment here after we came south.

Q When was that? A I don't remember what year it was, I can't remember dates like some people, but I remember drawing one time.

Cherokee Representative: Where were you living in 1880? A Baxter Springs.

Q State of Kansas? A Yes, sir.

Q How long have you been living in the Cherokee Nation the last time you came here in the Cherokee Nation? A The last time I have been living here, three years.

Q Where were you living when the roll of 1896 was made? A I believe I was in Kansas City at that time, I was sick, I went up there for treatment; I went up to Kansas City.

Commissioner: The applicant applies for the enrollment of himself and one child. He is identified on the Shawnee Register, but he is not identified on any subsequent roll, all of which in the possession of the Commission have been searched for his name. A very large part of his life since he came to the Cherokee Nation at the time of the Shawnee movement has been spent in the State of Kansas and in the Quapaw Reservation, and he states that he is on the Quapaw roll and has drawn money as a Quapaw and has taken land. It seems quite clear from the present record that the applicant has abjured whatever rights he obtained as a Cherokee, but for the further consideration of his case he will be listed as an adopted Shawnee on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

As for his child named in the testimony, now living and seven years of age, this child is not identified upon any roll. It remains to be seen from further consideration of the testimony if the marriage between the applicant and this child's mother was such as would entitle the child to rights as a Cherokee, provided the father was in position to convey rights, under a lawful marriage, as it must be with respect to the right to enrollment. In this connection, the applicant is desired to supply the Commission with an official copy of the decree of divorce between himself and his wife, and particular attention is called to the testimony concerning the character of his separation from his second wife. He is also desired to file with the Commission a duly authenticated affidavit of the birth of this child. At present the child will be listed upon a doubtful card with its father as a Cherokee-Shawnee, and the final decision of the Commission will be made known to the

child's father at his postoffice address.

Commissioner: When did you buy your right in the Quapaw tribe?
A In either '79 or '80.

Q And you possess that right to-day? A Yes, sir, I hold a certificate or patent to the land.

Q Also, about that time, or soon thereafter, your name was put upon the Quapaw rolls? A Well, it was some time afterwards, the Department fought me like sixty.

Q Well about how long after you bought your right before your name was put on the Quapaw rolls? A Well it must have been six or seven years.

Commissioner: It will be noted in connection with the rights of the child that its father acquired whatever status may have been acquired as shown in the testimony as a Quapaw prior to his marriage to the mother of this child.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 5th of November, 1901.

[Signature]

Commissioner.

901252

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 21 1902

CHAIRMAN

Supl.-C.D.#1252.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of LEANDER J.
FISH, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself and others as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date he would appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

D-1252.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 5, 1902.

In the matter of the application of Leander J. Fish et al for enrollment as citizens of the Cherokee Nation of Shawnee blood.

SUPPLEMENTAL TO D-1252.

APPEARANCES:

W. T. Hutchings in behalf of applicant.
L. B. Bell in behalf of Cherokee Nation.

LEANDER J. FISH, being first duly sworn, testified as follows:

COMMISSIONER: What is your name? A Leander Jackson Fish.
Q What is your postoffice address, Mr. Fish? A Vinita.
Q How old are you? A I was born in '52, either '52 or '51, I can't state just exactly.
Q Did you participate in the payment which was made to the Shawnees by an act of the National Council approved March 30, 1893? A In 1893?
Q Yes. A The strip payment?
Q No, yes, they paid \$251.75 a head? A No, sir, I didn't.
Q You didn't participate in that payment? A No, sir, I didn't.
Q You have never participated in any payment made by the authorities of the Nation? A Yes, sir, I have received two payments since I came here.
Q When was that? A Well now, I don't know; I think it was in about it must have been '84 or '85, somewhere along there, I couldn't state the exact date.
Q When was the other payment? A Well that was prior to that.

There is offered in evidence a certified copy of the decree of divorce between Julia A. Fish and Leander J. Fish. The same will be filed and made a part of the record in this case..

Q Do you desire to make a statement relative to your application, Mr. Fish? A Yes, sir.
Q Just make the statement? A Well, I had some stock here, I had cattle here, and I never have receded from my rights in the Cherokee Nation, to my best knowledge, to the best of my knowledge.

MR. BELL: Where did you have your stock at? A Over on the Verdigris.

Q Who had charge of it? A Samuel Love.

Q He's dead, is he? A I couldn't say.

Q How long did he have charge of them cattle? A Well I left him in charge, I never did go get them again, I don't know what disposition he made of them.

Q That is, you left them there and never saw them afterwards? A Yes, sir.

Q Are you on that Shawnee roll of 1893? A Yes, sir, there's my name right here, Mr. Bell.

Q Well didn't you take an allotment over there amongst the Quapaws? A I purchased a right there, yes, sir.

Q Bought it from the - A Quapaws, yes, sir.

Q Well you took an allotment, didn't you? A By purchase, yes, sir.

Q You set up and lived there didn't you? A I was there part of the time.

I was back and forth in the Cherokee Nation and from Kansas.

Q Well who did you buy it from, the right, from the Quapaw country or from some individual? A The tribe.

Q Buy it from the tribe? A Yes, sir, here's the receipt.

Q I don't believe I'll ask him any more.

COMMISSIONER: Is that all you desire to state? A And then in regard to this 1880 roll, did you take that down? My father told me he registered me on the 1880 roll Jake Fish, and they told me that had been answered for by a Delaware.

MR. HUTCHINGS: What was your father's name? A Paschal Fish. Q Does his name appear on the 1880 roll? I didn't see it there; when did your father die? A I disremember what year he died in.

MR. RUEL: Well that Delaware is registered there as fifty years old.

The authenticated roll of 1880 examined and the applicant is not identified thereon either as Leander Fish, Jackson Fish or as Leander J. Fish or as Jake Fish.

MR. HUTCHINGS: Your father's name you say was Paschal Fish?

A Yes, sir.

COMMISSIONER: Where were you living when the roll of 1880 was made? A I was working in Baxter Springs, Kansas, store-building.

Q How long did you continue to live in the Cherokee Nation after you came here with the Shawnees? A Well seven or eight years.

Q Where did you go then? A I went to Baxter for the purpose of getting doctor'd, I took sick.

Q How long did you reside there? A Well I was there off and on I expect for some twelve or fourteen years backwards and forth you know from the Territory, but I always held as my home in the Territory.

Q The greater part of that time you spent in the State of Kansas? A Greatest part of the time, I worked there then.

Q How long have you resided in the Quapaw reservation? A I was there just about like I was here, back and forth.

Q When did you secure that allotment over there? A I think it was along about 1886.

Q Has it remained in your possession ever since? A No, sir, I never was recognized as a Quapaw for years after that, the Department always claimed that I was a Cherokee.

Q Well when did you obtain possession of the allotment over there? A Well I couldn't say just when, I know it was some eight or ten years.

Q Eight or ten years ago? A After.

Q Well about how long ago has it been? A Well it must be ten or fifteen or twelve years, somewhere in there, I couldn't tell just exactly, somewhere along there.

Q Are you retaining that property by working it yourself? A I worked it part of the time myself and part of the time I rented it.

Q How many crops have you made on it? A I have made some three or four crops.

Q How many crops did you make in Kansas? A None at all, I was just under the treatment of the doctor and when I was able I was working in the store, and never been a citizen.

Q Did you exercise the right of suffrage as a citizen of the State of Kansas while you were up there? A No, sir.

Q Never voted at any of the elections either state or national? A No, sir.

Q Who is the mother of this child; what is her citizenship? A My her father claims to be a Cherokee, but he has never proved up his rights is all I know; I don't know what her citizenship is; I couldn't say.

MR. RUEL: Do you know what her name was? A Fattie Large

Q Where did you find her? A On the Quapaw, they were farming there.
Q In the Quapaw country? A He told me, I think he told me he never had filed an application for him.

COMMISSIONER: Is that your child Joseph? A Yes, sir, that's my child.

Q That's your own child? A That's my own child, yes, sir.
Q The mother of the child isn't considered to be a citizen of the Cherokee Nation at all is she? A No, sir, I don't think she is; she claims to, but they have never made any application; they were talking of it, but I don't think they ever did.

Q Where was this child born? A He was born in '95.

Q Where? A Up on the Quapaw reservation.

Q Where were you married to this woman? A On the Quapaw Reservation, under the Quapaw agency.

Q The child was born there, was it? A Yes, sir.

Q What is the longest at any one time you have lived in the Cherokee Nation since you came here with the Shinnecos? A About seven or eight years, I think it was, about.

Q For how long at any one time have you been absent from the Cherokee Nation? A Well I just couldn't state; I have been absent -

Q Have you been absent for so long a period as you have been here? A No, sir, not at any one time I haven't.

MR. BELL: Why don't you get some of those folks that know you, Mr. Fish, for a witness in this case? A Mr. Hinchings told me he didn't think I would need any witnesses.

Q There is nothing but your declaration in the matter about living here? A Well I was aiming to bring Cyrus Cornatser down, he knows all about it; and he told me he didn't think it would be worth while, and they all know me, me and my father, and came here and located and bought a claim over there on the Verdigris River, John Bullette knows it; he was our neighbor there, and any of those old Delawarees over there will know.

Q But you see you don't account for this twelve or fourteen years absence after you stayed here six or seven years or before you left, and you have never had a home in the Cherokee Nation since have you? A Well four years ago, going on four years ago, since I moved in.

Q Where did you move to? A Vinita.

Q You just rented a house there didn't you? A Yes, sir.

Q You never acquired any property or home or anything of that sort? A No, sir, I never purchased.

Q Well you haven't lived there continuously that four years, have you? A Well I have been gone about six or eight months, no, sir, I haven't lived there continuously; I have been gone, I went from there in January and came back about three weeks ago, I believe it was, to Washington on business.

Q Well but then was your absence from Vinita just a trip to Washington? A Yes, sir, going on four years.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of June, 1907.

Arthur G. Croninger
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Leander J. Fish for the enrollment of himself and minor child, Joseph P. T. Fish, as citizens of the Cherokee Nation of Shawnee blood:

D E C I S I O N .

The record in this case shows that, on October 31, 1901, Leander J. Fish appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and minor child, Joseph P. T. Fish, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, June 8, 1902.

The evidence shows that the said Leander J. Fish settled in the Cherokee Nation in 1871 and that his name appears upon the register of the Shawnee Indians who came to the Cherokee Nation within two years from June 9, 1869, the date of the approval of the agreement between the Shawnee tribe of Indians and the Cherokee Nation.

The evidence further shows that the said Leander J. Fish resided in the Cherokee Nation for about seven years, when he removed to Kansas and resided there until about 1890; that he then removed to the Quapaw Reservation and resided therein until about 1899; that he is identified upon the Quapaw rolls and has drawn money and taken an allotment of land as a Quapaw Indian.

The evidence further shows that the said Joseph P. T. Fish was born in the Quapaw Reservation and always resided therein with his father until the year 1899; that the said Leander J. Fish and his child, Joseph P. T. Fish, are not identified upon any of the tribal rolls of the Cherokee Nation.

Paragraph 8, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:


"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

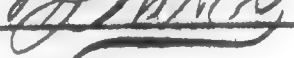
It is clearly shown by the law above quoted that it was intended that each Indian should share in the allotment of lands and distribution of moneys belonging to one tribe only.

Cherokee D 1252

It is, therefore, the opinion of this Commission that the application of Leander J. Fish for the enrollment of himself and minor child, Joseph P. T. Fish, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.
C. R. McQuinn

Commissioner.

Muskogee, Indian Territory,
this JUL 29 1902

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D. 1258

Muskogee,
Ind. Ter., Jan 1 1892.

ATTORNEYS:
W. W. HASTINGS, Tahlequah, I. T.
J. L. BAUGH, Chouteau, I. T.

STENOGRAPHER:
J. C. STARR, Vinita, I. T.

MARSHALS:
JOHN PARKS, Vinita, I. T.
W. B. WYLY, Tahlequah, I. T.

United States Indian Agent,

Wyandotte, I. T.

Dear Sir:

Please advise us if Leander J. Fish ever received an allotment of land in the Quapaw Reservation or drew money there, either for himself or for his child R Joseph Pachtal Tecumseh Fish, this child is about seven years old. If you find that he has drawn land or money either for himself or for his child please furnish us a certificate to that effect, as this man has applied to the Dawes Commission to be enrolled as a citizen of the Cherokee Nation.

Yours truly,

Atty. for the Cherokee Nation.

HENRY L. DAVIS
TAMM BIRBY,
THOMAS B. NELSON,
C. R. BARKER.

ALLIS G. L. ANDERSON
J. J. JAMES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1252.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Leander J. Fish for the enrollment of himself and his child, Joseph P. T. Fish, as Cherokee citizens of Shawnee blood.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 19.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1252.

Muskogee, Indian Territory, October 7, 1902.

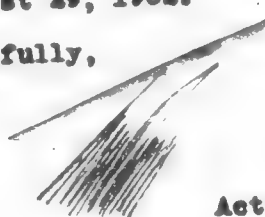
W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Leander J. Fish for the enrollment of himself and his minor child, Joseph P. T. Fish, as citizens of the Cherokee Nation by Shawnee blood, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Seander & Fish et al

Original testimony Oct 31, 1901
Memo of application Oct 31, 1901
Birth affidavit Joseph & Fish
marriage license & cert.
Certified copy of marriage cert.
Notice of final consideration, 3/22/02

Transferred to L-730

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1253

Cher D 1253

[illegible]

disappeared and known to police on 10th November, 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 11 1901

ACTING CHAIRMAN

Luvada Keys.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER 8th, 1901.

In the matter of the application of Annie Keys for the enrollment of her three children as Cherokee citizens; said Keys being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Annie Keys.
Q What is your post office? A Webbers falls.
Q What district do you live in? A Why it is--we live now on the Creek side, close to Eufaula.
Q Living in the Creek Nation? A We moved from webbers falls.
Q What is your age? A 31.
Q For whom do you apply now to have enrolled? A Viola Keys.
Q How many children? A Three.
Q Your children? A Yes, sir.
Q Viola, how old is F Viola? A She was born in 1888.
Q The next one? A Carrie Keys.
Q How old is Carrie? A 11.
Q The next one? A Luvada.
Q How old is Luvada? A Seven.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q Are you married? A No, sir.
Q Are you a citizen yourself? A No, sir.
Q Well, what is the father's name of these children? A Levi Keys.
Q Is he living? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q Where does he live? A Choska.
Q Did you ever have a child named Herbert? A No, sir.
(Upon examination of the records of this Commission it is found that applicant's two older children, Viola and Carrie, have been enrolled by their father, Levi Keys.)
Q Did you ever hear of this child Herbert? A No, sir.
Q Now, you say you have got another child? A Yes, sir.
Q Where are these children? A Down close to Eufaula.
Q Have you got all three of the children? A No, sir, Viola is with her father. He hasn't seen the other two in six years.
Q Carrie and Luvada are with you? A Yes, sir.
Q Have you got any proof of your marriage to your husband, Levi Keys? A No, sir, I haven't with me.
Q You were married where? A Here at Tahlequah.
Q Who married you? A I can't think of the man's name; I have been trying to remember it.
Q Your husband when he applied for the enrollment of himself and his children made no proof of his marriage to you? A Did he make proof of marriage to his last wife?
Q Did you secure a divorce from your husband? A No, sir, he got the divorce.
Q You had a divorce did you? A Yes, sir.
Q Where you married according to the laws of the United States or Cherokee Nation, how were you married? A Married according to the laws of the Cherokee Nation.
Q Do you know who married you? A I can't think of his name, I can find out.
Q Do you know whether he is living or not? A I think he is.
Q You say that your children, Carrie and Luvada, are living with you? A Yes, sir. Viola is with her father.
Q Where is Luvada? A She is with me.
Q She is seven years of age you say? A He seven next birthday.
Q Was she born before you and Keys separated? A Yes, sir.
Q He has been married seven years to the other woman? A That is what he says about it.
Q Here is the certificate, he was married in 1894; when was Luvada born? A Born in January, '93.
Q When did you separated from Mr. Keys? A Along in June, '93.

Luvada Keys,--2.

Q Luvada was born in January, 1893? A Yes, sir.

Q Luvada Keys is not on the rolls at all? A I can't understand why it ain't, he had them enrolled and drew the strip money and sent it to me.

Q All three? A No, the two I had, Carrie and Luvada. He sent me money for two children, Luvada and Carrie, I supposed it was, I didn't go at all.

Tribal Rolls of Cherokee Nation in possession of this Commission examined and name of applicant's youngest child, Luvada, not found thereon.

Q Is her name Viola W? A Her name is Viola, she hasn't got any double name.

Com'r Needles: Viola is identified upon the census roll of 1896 number 1008, and Carrie is identified upon the census roll of 1896, number 1009.

1880 Authenticated roll of Cherokee citizens examined and name of applicant's former husband, found thereon, page 546, #996, Levi Keys, Illinois district.

COM'R NEEDLES: The applicant applies for the enrollment of three children, Viola, Carrie and Luvada Keys. She avers that she was married to one Levi Keys who is listed for enrollment on Cherokee straight card number 38. She avers that she is separated from said Levi Keys, having been divorced from him. The child Luvada for whom she applies name is not found upon any of the rolls of this Commission. It appears that on the 11th of May, 1900, Levi Keys applied for the enrollment of himself, his wife, Cora E., and four children, to-wit: Viola W., Carrie M., Herbert G. and Lester; he averring in the testimony that he is separated from his wife, Annie Keys and afterwards married to his present wife, Cora E. The enrollment of himself, wife, Cora E., and his four children on May 11th, is imperfect. Said Levi Keys will be notified to appear before the Commission and give the necessary information for the perfection of the enrollment of himself, his wife and four children; two of said children enrolled being Viola W. and Carrie M., for whom applicant applies.

Applicant makes no proof of her marriage to said Levi Keys and no proof of birth as to the child Luvada. She avers that it is her child by the said Levi Keys. The attention is brought to the fact that the testimony in the matter of the application of Levi Keys for the enrollment of himself does not disclose the fact as to the birth of said Luvada Keys, for whom applicant now applies. Satisfactory testimony is given as to the citizenship of Carrie M. and Viola, for whom applicant applies and they are now listed for enrollment on Cherokee card field number 38, will be complete. Consequently the application to-day for the enrollment of Luvada--the other two children, Viola and Carrie, for whom applicant now applies, having been listed for enrollment as heretofore stated on straight card field No. 38,--it will be necessary for applicant to file with this Commission satisfactory proof of her marriage with Levi Keys; satisfactory proof of her divorce from Levi Keys, and satisfactory proof of the birth of said Luvada; consequently said Luvada Keys will now be listed for enrollment as a Cherokee citizen upon a doubtful card, awaiting the information mentioned in this judgment.

Reference is made to the testimony taken in the matter of the application of Levi Keys, field No. 38, and copy of the testimony will be filed with the testimony in the case at bar.

Luvada Keys, --3.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this November 9th, 1901.

[Signature]

Commissioner.

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BUREAU OF INDIAN AFFAIRS

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DEPT. OF THE INTERIOR
COMMISSION TO THE YULLED TRIBES

FILED
NOV 8 1901



ACTING CHAIR

CHEROKEES BY BLOOD AND ADOPTION.

Date Nov 8th 1904

Name

Walter F. S. S. Y.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

~~Alida Keys~~

Dist.

Year

Page

No.

Age

13

~~Lucie~~

Dist.

Year

Page

No.

Age

11

1. Lucinda Keys

Dist.

Year

Page

No.

Age

7

Dist.

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Application by mother,
Annie Keys

Stenographer, J. O. Ross

~~X Ref. 38.~~

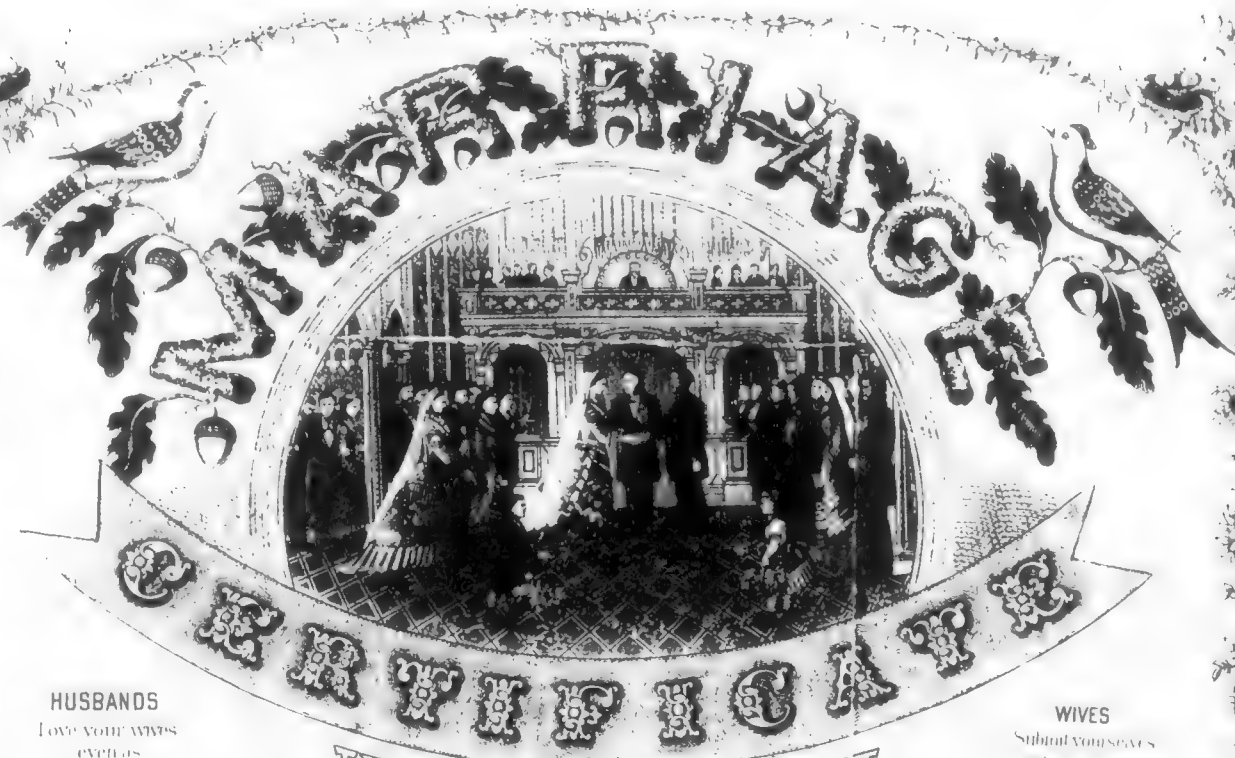
X Ref. 38

Proof of marriage between parents required.

No. 3. Birth certificate required.

Proof of divorce from Lucie Keys required.

Notes: Separate & end



HUSBANDS
Love your wives
even as
Christ also
loved the
Church

WIVES
Submit yourselves
unto your own
Husbands
as unto the
Lord

THIS CERTIFIES THAT

David H. Hays & Anna H. Hays
of the Church of Christ (AND) *of the Church of Christ*
Wed. 1887

WERE UNITED IN
HOLY
MATRIMONY
BY ME

According to the Ordinance of God and the
Laws of the State of Missouri at
St. Louis on the *10th* day of *March* 1887
David Hays
Minister of the Gospel

1. *Chlorophyll a* and *Chlorophyll b* content of the leaves of *Chlorella* sp. was determined by spectrophotometry using a Shimadzu UV-1601 spectrophotometer. The absorbance of the extract was measured at 663 nm and 646 nm. The concentration of chlorophyll *a* and chlorophyll *b* was calculated using the following equations:

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U.S. DEPT. OF JUSTICE

00071 04102 47

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 11, 1901.

In the matter of the application for the enrollment of Luvada Keys as a Cherokee by blood.

Supplemental testimony on behalf of the applicant:

Appearances:

Applicant present by her mother, Anna Keys;
J. L. Baugh, Cherokee Representative.

Commissioner: Said Luvada Keys is listed for enrollment on Card D-1253. She this day comes and files satisfactory proof of the marriage of Anna L. Keys, the mother of said Luvada, to Levi Keys, a Cherokee citizen by blood, on the 13th day of March, 1887. The only further proof necessary for the enrollment of the said Luvada will be satisfactory proof of the birth of the said Luvada, her name not appearing upon any of the rolls of the Cherokee Nation, being presumed to have been born after said rolls were compiled.

This will be made part of the record in the matter of the application of Levi Keys for the enrollment of himself, on Straight Cherokee card No. 38. A copy of the same will be filed with the record in the case at bar.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 11th of November 1901.



Commissioner.

Supp. 1000-11220.

Department of the Interior,
Bureau of Indian Affairs,
Washington, D. C., March 24, 1902.

RE: Application for the allotment of LANDS TO BE
allotted to the Indians of the

The application was received by the Bureau of Indian Affairs, Department of the Interior, on the 10th day of March, 1902, from an application for the allotment of land to be allotted to the Indians of the Cherokee Nation would be made in accordance with the provisions of the Act of March 3, 1899, in the case of the Cherokee Nation, on the 24th day of March, 1902. On the 24th day of March, 1902, the Cherokee Nation continued at the request of the Cherokee Nation until the 24th day of March, 1902. The Cherokee Nation, on this day, to-wit: the 24th day of March, 1902, and fails to respond either in person or by attorney to the date he desired to be heard. He will be reported to the Commission for final decision based on the facts as now known.

10/10/02
J. Hastings, Cherokee representative: The Cherokee Nation desires to call attention to the supplemental report of Levi Corn, dated January 10, 1902, which shows that the child was born about two years after his separation from his mother, therefore, not his child and not entitled to land. The mother of the child is a white woman.

The Cherokee Nation, a party to the proceedings, is a party to the proceedings and the proceedings are being recorded in the proceedings in the above case, and the Cherokee Nation is a party to the proceedings and the proceedings are being recorded in the proceedings in the above case, and the Cherokee Nation is a party to the proceedings and the proceedings are being recorded in the proceedings in the above case.

Supl.-C.D.#1253.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of LUVADA KEYS
as a citizen of the Cherokee Nation:

The applicant's mother was notified by registered letter March 3, 1902, that her application for the enrollment her child, Luvada Keys, as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902. On said date the case was continued at the request of the representative of the Cherokee Nation until the 24th day of March, 1902. The applicant has this day, to-wit: the 24th day of March, 1902, been called and fails to respond either in person or by attorney, and the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. Hastings, Cherokee Representative: The Cherokee Nation desires to call special attention to the supplemental testimony of Levi Keys, of date January 10, 1902, which shows that this child was born about two years after his separation from his former wife, and is, therefore, not his child and not entitled to enrollment, as the mother of the child is a white woman.

---ooo000ooo---

I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

Commission to the Five Civilized Tribes,
Tulsa, Okla., Indian Territory,
Nov. 11th, 1900.

In the matter of the application of Lave Keys for enrollment as a
citizen of the Cherokee Nation; her husband, Harry Keys, deceased;
deceased wife, Viola Keys, deceased.

Q What is your name? A Lave Keys.
Q How old are you? A About forty.
Q You are on the 1880 roll? A Yes, sir.
Q You are a Cherokee by blood? A Yes, sir.
Q Have you ever married? A Yes, sir.
Q Is your wife a white woman? A Yes, sir.
Q You were lawfully married to her? A Yes, sir.
Q Where did you marry her? A At Cherokee, Okla.
Q First when I married at Tahlequah.
Q Have you got children by her? A Yes, sir.
Q What is her name? A Viola.
Q You were married lawfully to her? A Yes, sir.
Q She is dead? A No, sir.
Q You are separated from her? A No, sir.
Q Divorced from her? A Yes, sir.
Q She married again? A I think so.
Q Have you got any marriage certificate? A I have
got them at home, I didn't bring them with me.
(Additional evidence to be explained)
Q You have children? A Yes, sir.
Q What are their names? A Viola Keys.
Q How old? A Twelve years old.
Q Give your old brother, the one you
that is your wife's name now? A Harry.
Q Is she a white woman? A Yes, sir.
Q How old? A Twenty-eight years old.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath, that the above
named Commission, that this is a true and correct
translation of my stenographic notes.

(Signed) M. J. [illegible]

Arthur G. Cronin, being duly sworn, do hereby certify
that the above named Commission, that this is a true and correct
translation of my stenographic notes.

Subscribed and sworn to before me this 11th day of November, 1900.

[Signature]
[Signature]
[Signature]

To be filed in Cherokee D. #1253, Luvada Keys.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1900.

In the matter of the application of Levi Keys for enrollment as a citizen of the Cherokee Nation; being sworn and examined by Commissioner McKennon he testifies as follows:

Q What is your name? A Levi Keys.
Q How old are you? A About forty.
Q You are on the 1880 roll? A Yes, sir.
Q You are a Cherokee by blood? A Yes, sir.
Q Have you any family? A Yes, sir.
Q Is your wife a white woman? A Yes, sir.
Q You were lawfully married to her? A Yes, sir.
Q Where did you marry her? A At Choska. I have been married twice;
my first wife I married at Tahlequah.
Q Have you got children by her? A Yes, sir.
Q What is her name? A Annie.
Q You were married lawfully to her? A Yes, sir.
Q She is dead? A No, sir, she is living.
Q You are separated from her? A No, sir.
Q Divorced from her? A Yes, sir.
Q She married again? A I think so.
Q Have you got any marriage certificate of this last one? A I have
got them at home, I didn't bring them with me.
(Additional evidence to be furnished)
Q You have children? A Yes, sir, three.
Q What are their names? A The first one is Viola Keys.
Q How old? A Twelve years old. Carrie M., ten years old; Herbert
G., five years old; Lester, three years old.
Q What is your wife's name now? A Cora E.
Q Is she a white woman? A Yes, sir.
Q How old? A Twenty-eight years old.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to
above named Commission, that this transcript is a true, full and
correct translation of my stenographic notes.

(Signed) M. D. Green.

Arthur G. Croninger, being duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he made the
foregoing copy, and that the same is a true and complete copy of the
original transcript.

Subscribed and sworn to before me this 21st day of December, 1901.


Commissioner.

(C O P Y).

File with Cherokee D-1253.

"R"

Cherokee straight case No.38

Department of the Interior,
Commission to the Five Civilized Tribes,
Musakogee, I. T., January 10, 1902.

SUPPLEMENTAL TESTIMONY, in the matter of the application of Levi Keys for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

Applicant, in person:

Mr. J. L. Baugh, for the Cherokee Nation.

LEVI KEYS, being sworn, and examined by Commission testified as follows:

BY COMMISSION:

- Q What is your name? A Levi Keys.
- Q How old are you? A I don't know my age.
- Q About how old? A 40 some odd.
- Q What is your post-office address? A Choska.
- Q That in the Creek Nation? A Yes sir.
- Q Did you appear before this Commission in May, 1900 and make application for the enrollment of yourself and wife and four children?
- A Yes sir.
- Q What is the name of your wife? A Cora E.
- Q What is the name of your oldest child? A Viola W.
- Q What is the name of the next child? A Carrie M.
- Q What is the name of the next one? A Herbert C.
- Q Next child? A Lester.
- Q Are these children all alive? A yes sir.
- Q Are they living at Choska with you? A Two of them are there with me.
- Q Which ones are living with you? A Herbert and Lester.
- Q What is the name of your father? A Looney Keys.
- Q Is he living or dead? A Dead.
- Q What is the name of your mother? A Polly.
- Q Is she living or dead? A No, she is dead.
- Q Is your wife a Cherokee or a white woman? A White woman.
- BY COMMISSION: There was received and filed by the Commission on the 4th day of June, 1900, a license issued by James W. Phillips, by W.S. Young, Deputy, Clerk of the United States Court First Judicial Division, Indian Territory, on the 27th day of June, 1894, authorizing the marriage of L.R. Keys and Mrs. Cora Johnson, and a certificate showing that the parties were united in matrimony by J.R. Rowell, Minister of the Gospel on the 28th day of June, 1894.
- Q Were you ever married before you married Cora E. Keys, or Cora E. Johnson? A Yes sir.
- Q What was the name of your first wife? A Annie Farrow was her maiden name.
- BY COMMISSION: On the 11th day of November, 1901, at Tahlequah, Indian Territory, Anna Keys, appeared before the Commission and made satisfactory proof as to her marriage to the Applicant on the 13th day of March, 1887.
- Q How long did you live with Anna Keys? A I don't remember.
- Q Well, about how long? A 5 or 6 years, or 7.
- Q Well, how long after you separated from her did you marry your present wife? A I don't remember how long it was.
- Q Had it been as much as a year? A Oh yes, it has been longer than that.
- Q Were you divorced from Anna Keys? A Yes sir.
- Q Have you any evidence of that divorce? A I have got a copy of it at home.

- Q You have a copy of the decree at home? A Yes sir.
- Q Who was granted the divorce, you, or your wife? A Cherokee court at Tahlequah.
- Q Who was it granted to, you or your wife? A To me.
- Q Then after you were divorced from her, you were married to your present wife? A Several years afterwards.
- Q Have you and your present wife been living together continuously since that time? A Yes sir.
- Q Are you living together now? A Yes sir.
- Q Now these children, Viola W. and Carrie M., are they living with your first wife? A Yes sir.
- Q Did the Court give her the custody of these children? A I had one of them until here about two months ago I sent her up there to school; I had Viola until about two months ago or a little over, and I sent her up there to school. She is up there now with her mother. Carrie has been with her mother all the time.
- Q How long had you had Viola? A Since we separated.
- Q Up to two months ago? A Yes sir.
- Q Has Carrie ever lived with you since you separated? A No sir.
- Q Do you know whether or not she is living? A Yes sir, she is living.
- Q How do you know? A I had a letter from her the other day.
- Q Have you seen her since that time? A Yes sir.
- Q Do you contribute anything to the support of that child?
- A No sir.
- Q Your first wife is supporting that child? A Yes sir.
- Q Who is supporting Viola? A I am.
- Q Now your wife has another child besides Viola and Carrie, has not she? A Yes sir. what
- Q What is the name of that child? A I don't know its name is.
- Q Who is the father of the child? A I don't know.
- Q That child was born after she separated from you was it?
- A Yes sir.
- Q Do you know how long afterwards? A Not exactly, it was about a year and a half or two years after.
- Q After you separated from her did you ever live with her again?
- A No sir.
- Q Did you ever stay with her? A No sir.
- Q Did you ever see her between the time you separated from her and the time that this child she claims you are the father of here was born, that is, when did you first see her after you were divorced, how long after you were divorced before you saw her; tell me just about how long it was, as nearly as possible? A As well as I can remember it was, I went down after the children to have them enrolled for the Strip payment: she was living in the Choctaw Nation and I went down to get her to come up to have the children enrolled.
- Q You think that's the first time you saw her after your divorce?
- A. As well as I can remember it is.
- Q Was this Luvada living then? A Yes sir.
- Q About how long was that after your separation, was it as much as a year? A Yes sir, it was over a year, year and a half or two years.
- Q Then if she says you are the father of Luvada she is mistaken is she? A Yes sir.
- Q Have you ever claimed that child of hers as your child? A. No sir.
- Q Have you always lived in the Cherokee Nation? A Up to the time I went to Choska.
- Q When did you go to Choska? A About ten years ago.
- Q Have you lived there continuously since that time? A Yes sir.
- Q Do you own any property in the Cherokee Nation? A No sir.
- Q Do you own any property in the Creek Nation? A Yes sir.
- Q Have you ever applied for enrollment in the Creek Nation?
- A No sir.
- Q Have you ever applied for your children for enrollment in the Creek Nation? A No sir.
- Q Are you engaged in any profession at Choska? A I am in business there.
- Q What business?
- A Drug store.

Q Have you always been recognized as a citizen of the Cherokee Nation? A Yes sir.

Q Have you ever lived outside of the Indian territory? A No sir.

Q Were all your children born in the Indian Territory? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified on page 546 No.996 Levi Keys, Illinois District, native Cherokee.
1896 census roll of citizens of the Cherokee Nation examined and applicants identified on
page 873 No.1007 Levi Keyes, Illinois District;
page 873, No.1008 Viola W. Keyes, Illinois District;
page 873, No.1009 Carrie M. Keyes, Illinois District;
page 873 No.1010 Herbert G. Keyes, Illinois District.
1896 census roll of citizens of the Cherokee Nation examined and applicant's wife, present wife not found thereon.

Q How does it happen that your wife Cora is not on the roll of 1896? A I didn't put her on.

Q Did you apply for her enrollment? A No sir.

Q Why not? A I don't know; I didn't suppose she could draw the Strip money.

Q Were you living with your wife, Cora E., when this census roll of 1896 was made? A Yes sir.

Q Have you lived with her continuously since that time?

A Yes sir.

Q Have you separated from her at all? A No sir.

BY MR. BAUGH, of attorneys for the Cherokee Nation:

Q What time was your divorce granted? A I don't remember.

Q Did you have a divorce at the time you married this woman?

A Yes sir.

Q How long after you separated from your first wife before you married your second wife? A I don't remember how long, two or three years.

BY COMMISSION: On the 11th day of May, 1900, Levi Keys appeared before the Commission and made application for the enrollment of himself and four children as citizens by blood of the Cherokee Nation, and for the enrollment of his wife as a citizen by intermarriage. The testimony taken at that time was found to be incomplete, and said Keys this day appears before the Commission and gives further testimony as regards his said application. He is duly identified on the authenticated roll of 1880 and the census roll of 1896; his three oldest children are also identified on the roll of 1896. The youngest child, Lester, was born subsequent to the compilation of the census roll of 1896 and its name does not appear of record thereon. There was received, approved and filed by the Commission on the 10th day of July, 1900, an affidavit as to the birth of said child, duly executed. Said Levi Keys and his children will be listed for enrollment as Cherokees by blood, satisfactory proof having been made as to their residence as prescribed by law. His wife, Cora E., is not identified on the census roll of 1896. Applicant makes proof as to his marriage to her, June of 1896, and avers that they have been living together continuously since that time. She will be listed for enrollment as a Cherokee by intermarriage.

The applicant avers that he was formerly married to one Anna Keys, and that this two oldest children are his children by said Anna Keys. She was a white woman, and attention is invited to the proof as to his marriage to said Anna Keys, which is filed in Cherokee case No.D-1253; He avers that she was granted a divorce from said Anna Keys, but makes no proof of same, and it will be necessary that he file with the Commission the decree of the court granting divorce in order to complete the case of his wife.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this January 11, 1902.

(Signed) T. B. Needles
Commissioner.

Jessie M. Houston, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original testimony.

Jessie M. Houston

Subscribed and sworn to before me this November 26, 1906.

B. P. Rasmus
Notary Public.

1522

1353

May Term of Circuit Court

His Hon. H.T. Landrum, Presiding

1892, May 23d.

Dec. 23, Levi Keys

vs

Annie S. Keys

Rasmus.

Case put on 2d. calling for judgment by Plf's atty to issue judgment by default -- as follows -- as is shown by the papers in this case the defendant was legally served with notice of this action and having been called three several times at intervals of one hour apart and not answering in person or by attorney, the plaintiff by atty. prays the court for judgment by default. The court so ordered such default to be entered and that the bonds of matrimony heretofore existing between Pltf and defendant be dissolved.

That the Pltf. Levi Keys be awarded the custody and care of his two children named respectively, - Viola W. Keys, female aged four (4) years, and Carrie W. Keys female aged one (1) year, as set forth in said Pltf's citation.

H.T. Landrum, Judge

N.J Circuit.

Executive Department, Cherokee Nation, Tahlequah I.T.

I heret certify that the above is a true copy from the Circuit Court record of Tahlequah District Cher-

Cherokee D. 1253

May Term of Circuit Court

His Hon. H.T. Landrum, Presiding

1892, May 23d.

Dec. 23, Levi Keys

Rasmus.

vs

Annie S. Keys

Case put on 2d. calling, -- notice made by Plf's atty to issue judgment by default -- as follows -- as is shown by the papers in this case the defendant was legally served with notice of this action and having been called three several times at intervals of one hour apart and not answering in person or by attorney, the plaintiff by atty. prays the court for judgment by default. The court so ordered such default to be entered and that the bonds of matrimony heretofore existing between Pltf and defendant be dissolved.

That the Pltf. Levi Keys be awarded the custody and care of his two children named respectively, - Viola W. Keys, female aged four (4) years, and Carrie W. Keys female aged one (1) year, as set forth in said Pltf's citation.

H.T. Landrum, Judge

N.J Circuit.

Executive Department, Cherokee Nation, Tahlequah I.T.

I hereby certify that the above is a true copy from the Circuit Court record of Tahlequah District Cherokee Nation, the same being now on file in this office and in my legal care.

This June 27, 1892.

J. T. Parker
Executive Secretary.

COPI

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Luvada Keys as a citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, on November 8, 1901, Annie Keys appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, her minor daughter, Luvada Keys, as a citizen by blood of the Cherokee Nation: The others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, November 11, 1901, and at Muskogee, Indian Territory, March 24, 1902. Copies of the testimony taken at Muskogee, Indian Territory, on May 11, 1900, and January 10, 1902, in the matter of the application for the enrollment of Levi Keys, et al., as citizens of the Cherokee Nation, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That Annie Keys, a non citizen white woman, mother of the applicant, Luvada Keys, was married to one Levi Keys, a regularly enrolled citizen by blood of the Cherokee Nation, his name appearing upon a partial roll of citizens thereof approved by the Secretary of the Interior, November 5, 1902, opposite No. 129, on March 13, 1887, and that said marriage was dissolved by a decree of the Cherokee Court on May 23, 1892; that the applicant, Luvada Keys, was born in January 1893, and that it is contended on behalf of the applicant, that the said Levi Keys is the father of the said Luvada Keys. The testimony of Levi Keys taken at Muskogee, Indian Territory, on January 10, 1902, contradicts this contention and shows that he was separated from Annie Keys, mother of the said Luvada Keys, for about a year and a half prior to the birth of the said Luvada Keys. Said testimony shows that he did not see the said Annie Keys from the time of their separation until about the time of the strip payment in 1894; that he does not recognize the said Luvada Keys

as his child and has never contributed anything to the support of said child. In view of the foregoing, it is considered by this office that the evidence fails to establish the contention that Levi Keys is the father of the said Luvada Keys, and that after ample opportunity having been afforded it is not by satisfactory evidence established that the said Luvada Keys possesses any right whatever to enrollment as a citizen of the Cherokee Nation, hence her application for enrollment comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D.544-04), Ed Williams (I.T.D.4230-04), William Rector (I.T.D.1468-04), Minnie Duncan, et al. (I.T.D.1470-04), Samantha Chambers (I.T.D.2296-04), Moses Ross (I.T.D.6056-04), Jane Looney, et al. (I.T.D.6410, 12688-04), Florence Bratcher (I.T.D.12692-04), Frankie Grinnett (I.T.D.17902-06) and Sallie Brooks, et al. (I.T.D.17180-1906). The said Luvada Keys can not be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Luvada Keys is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly denied.



Commissioner.

Dated at Muskogee, Indian Territory,
this NOV 27 1906

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1253

Muskogee, Indian Territory, March 3, 1902.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mrs. Annie Keys,

Webbers Falls, Indian Territory,

Madam:-

You are hereby notified that the application of

Luvada Keys

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with birth affidavit of Luvada; also certified copy of decree of divorce from your husband, Levi Keys.

Register.

Yours truly,


Acting Chairman.
Commissioner in Charge.

Cherokee D 1253

Muskogee, Ind. Ter., June 23, 1902.

Mr. J. T. Parks,

Executive Secretary Cherokee Nation,

Tahlequah, Ind. Ter.

Sir:

In the matter of the application for the enrollment of Luvada Keys as a citizen of the Cherokee Nation, you are requested to furnish this Commission with a certified copy of the decree of divorce between Annie Keys and Levi Keys, which is supposed to have been granted at Tahlequah, Indian Territory, sometime between March 13, 1887, and the year 1894.

Yours truly,

Commissioner in Charge.

Cherokee D 1253

Muskegee, Ind. Ter., June 23, 1902.

Mrs. Annie Keys,

Bufaula, I. T.

Madam:

In the matter of the application for the enrollment of your child, Luvada Keys, you are advised that it is necessary, for the proper consideration of this case, that you furnish this Commission with affidavits showing the birth of said child. Enclosed you will find blank forms of such affidavits which you will please fill out and return to the Commission.

It is also necessary for you to submit additional testimony to the Commission showing the date of the divorce between yourself and husband, Levi Keys.

This information must be furnished on or before July 9, 1902.

Yours truly,

Register.

Commissioner in Charge.

Cherokee D.1253.

Muskogee, Indian Territory, November 27, 1906.

Annie Keys,

Eufula, I. T.

Dear Madam:

There is enclosed herewith a copy of the record of proceedings had in the matter of the application for the enrollment of your child, Lavada Keys, as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 27, 1906, rejecting your application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.W-4.
S.W.

Commissioner.

Register.

REFER IN REPLY TO THE FOLLOWING.
Cherokee D. 1252.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory, November 27, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 27, 1906, rejecting the application for the enrollment of Luvada Keys as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,



Commissioner.

Encl. W-5.
S.W.

Muskogee, Indian Territory, November 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Luvada Keys as a citizen by blood of the Cherokee Nation, including the decision of the Commissioner, dated November 27, 1906, rejecting said application.

Respectfully,

Commissioner.

Through the,
Commissioner of Indian Affairs.

Encl. W-6.
S.W.

Muskogee, Indian Territory, February 14, 1907

Mrs. Anna Keys Parks,

Klaer, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of January 18, 1907, stating that your name was formerly Annie Keys, and asking that a letter addressed to Annie Keys, Bufaula, Indian Territory, and which was returned to this office unclaimed, be forwarded to you. The letter referred to is herewith enclosed.

Respectfully,

L M B

Commissioner

Encl. B-16

Register.

COPY.

Land
104994-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed record of the proceedings in the matter of the application for the enrollment of Luvada Keys as a citizen of the Cherokee Nation, including the decision of Commissioner Bixby dated November 27, 1906, adverse to the applicant.

The decision of Commissioner Bixby has been examined and found to be correct, and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EX-10

D.C.13321-1907.

J.P.
W.H.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

I. T. D.

March 4, 1907.

6970, 7446, 7514, 7536,
7586, 7600, 7608, 7610,
7620, 7624, 7640, 7642,
7650, 7660, 7682, 7690,
7700, and 7826, all 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.	Date of your letter of transmittal.
Eva Johnson (freedman),	February 23, 1907.
Grover C. Bean (by blood),	February 23, 1907.
Luvada Keys (by blood),	February 27, 1907.
Eliza J. Han (by blood),	February 18, 1907.
Edith R. Rogers (by blood),	February 27, 1907.
Vandie May Barkan (by blood),	February 18, 1907.
Elmer Clyde Callaway (by blood),	February 21, 1907.
Alta J. Beltsch (by blood),	February 18, 1907.
Della Cook (freedman),	February 18, 1907.
Mary Hibbs (by intermarriage),	February 26, 1907.
Effie May Jones, et al. (by blood),	February 23, 1907.
Ida M. Yarbrough (by blood),	February 23, 1907.
Louisa M. Williams (intermarriage),	February 23, 1907.
Unum Laphate, et al. (by blood),	February 23, 1907.

John B. Sundiff (by blood),	February 21, 1907.
Goldie Armstrong (by blood),	February 23, 1907.
James S. Davenport (by intermarriage),	February 20, 1907.
Herbert K. Hyde (by blood),	February 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

18 enclosures, and
37 enclosures to Ind. Of.,
with copy hereof.

WCF 3/507

Cherokee F
H B 226 et al

Muskogee, Indian Territory, March 27, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, denying the applications for reenrollment of Eva Johnson, et al, as citizens of the Cherokee Nation, was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-22.
HJC

Acting Commissioner.

Cherokee
D 1253.

COPY

Muskogee, Indian Territory, March 27, 1907.

Annie Keys Parks,
Kiser, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated November 27, 1906, rejecting the application for the enrollment of Luvada Keys as a citizen by blood of the Cherokee Nation, was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

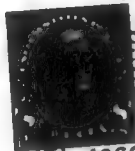
Respectfully,

SIGNED.

James Dixey
Acting Commissioner.

Encl. HJ-581.
HJC





Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

R. D. ...

Mrs. Annie Keys,

~~Webb's Falls, Indian Territory.~~

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This envelope can only be used for reply to official communications. To change MUST NOT be changed.

RETURN PENALTY ENVELOPE.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

IND. TER.

69 / 69



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Mrs. Annie Keys,~~

~~PAULA,~~

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~~Ind. Ter.~~

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Cher D 1254

the ... Jones, being duly sworn, depose that ... to
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... in the above case, and for foregoing is a
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... the 15th of November, 1911.

Notary Public

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Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 13, 1901.

In the matter of the application of Moses Taylor for enrollment as a Cherokee by blood.

Supplemental testimony on behalf of the applicant.

Appearances:
Applicant present in person;
Cherokee Representative present.

T. W. FOREMAN, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A T. W. Foreman.
Q How old are you, Mr. Foreman? A 41.
Q What is your postoffice address? A Tahlequah.
Q Are you a Cherokee citizen by blood? A I am, yes sir.
Q Do you know the applicant, Moses Taylor? A Yes, sir, I do.
Q How long have you known him? A Since about '81 or '82, somewhere along there.
Q Do you know him to be a Cherokee citizen? A Yes, sir, I have never known his rights questioned, always been considered such.
Q His name is not found on the roll of 1880, do you know the reason why? A No, sir, I don't.
Q Do you know what degree of blood Mr. Taylor has? A No, sir, I don't; I know that Mr. Taylor was sent to the penitentiary the first time ever I knew Mr. Taylor, about '80 or '81, somewhere along about that time, and since he got out of there he has been living right here around Tahlequah all the time; he has always voted here, drawn money here, drawn old settler money, I never knew his rights questioned before.

HENRY C. BARNES, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Henry C. Barnes.
Q What is your age? A 57.
Q What is your postoffice? A Tahlequah.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know the applicant, Moses Taylor? A Yes, sir.
Q Now how long have you known him? A The first time ever I knew him was about '74 I think, '73 or '4, I happened to be sheriff and I arrested him for some misdemeanor here he done.
Q What do you know about his Cherokee citizenship? A I never heard it questioned.
Q He has always been recognized, to your knowledge, as a Cherokee citizen by blood? A Yes, sir.
Q Has he lived continuously in the Cherokee Nation since you have known him? A Never heard of him being out of the country.
Q His name isn't found on the authenticated roll of 1880, do you know of any reason why it is not there? A No, sir, I don't, unless he was in jail at the time.

T. W. FOREMAN, recalled, testified:

Q Mr. Foreman, you think probably he was in jail at that time?
A Yes, sir, from my recollection it seems just about '80 or '81, along there, when he was put in our jail.
Q He was a single man then? A He, yes sir.

Commissioner: This testimony will be filed with the testimony.

testimony in the original case, D card 1254.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of November, 1901.

M. Green
Notary Public.

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SUPPLEMENTAL: File with Cherokee D-1264, Moses Taylor.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 13, 1901.

In the matter of the application of Moses Taylor for enrollment as a Cherokee citizen.

Appearances:

Applicant, Moses Taylor, in person.
Caleb Starr, for the Cherokee Nation.

MOSES TAYLOR, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Moses Taylor.

Q How old are you? A I am 38. I will be 39 the 15th of August.

Q Was your wife here yesterday? A Yes sir.

Q What is your wife's name? A Eliza Taylor.

Q She was listed for enrollment here yesterday? A Yes sir.

COM'R: On Straight card 7599.

Q Are you a Cherokee by blood? A Yes sir, I am.

Q What degree of blood do you claim? A Why I am a quarteroon.

Q How long have you lived in the Cherokee Nation? A I have never lived anywhere else than in the Cherokee Nation, only just-

Q Why is not your name upon the authenticated roll of 1880? A I don't know whether it is there or not; I won't be positive about it. I may have been out when the roll was taken. I go out once in a while in the State very often, - be gone for two or three years, and I may have been out then.

Q Were you ever re-admitted by the Cherokee Council? A No sir, never was; I never was counted anything else but a citizen.

Q Have you any proof of your citizenship other than? A Oh I can find lots of connections living right over here.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found.

Q Did you ever go by any other name besides Moses Taylor? A No sir never did.

Q Have you got any middle name? A Yes sir, I was named after my granddaddy, Dawson was his name, and that's the reason my daddy's name is signed there Creede Dawson; that was his step-daddy's name, Dawson; I was named after him, Moses Dawson Taylor, that's always been my middle name, but I have never signed it that way.

COM'R:

Applicant presents the following certificate:

"Ft. Gibson, I.T., May 5, '97.

Moses and Lewis Taylor:

Sirs:- You are hereby notified that the estate of Creede Dawson has been awarded you by the old Settlers' Commission.

Signed, D.E. Ward, Secretary,

Tahlequah, I.T."

This certificate is filed herewith.

Q Now you say you had a brother named Lewis Taylor? A Yes sir.

Q Is he living? A No sir, he is dead.

Q Is his name on the roll of 1880? A I don't know whether it is or not.

Q Was Lewis Taylor an own brother of yours? A Yes sir, an own brother.

Q Illinois District, would that be him? A Yes sir.

Q He was an own brother of yours, same father and same mother?

A Yes sir, same father and same mother; we both drew the Old Settler money.

COM'R: Lewis Taylor's name is found upon the 1880 roll: 1880 authenticated roll of citizens of the Cherokee Nation, page 594, No. 1897, Lewis Taylor, Illinois District, native Cherokee, 17 years old.

Moses Taylor 2

Q You have always been recognized by the Cherokee authorities as a Cherokee? A Yes sir, I have.

Applicant: My name aint on there with his?

COUR: No.

Applicant: I must have been off somewhere.

Q What was your father's name? A Creede Taylor.

Q Is he living? A No sir.

Q When did he die? A He was killed during the war.

Q Before 1830? A Yes sir.

Q Who did you live with in 1830, when you were about 19 years old?

A I didn't live with anybody; just wherever I could find work to do, that's where I was at.

Q You were an orphan boy then at that time? A Yes sir.

1894 pay roll of citizens of the Cherokee Nation examined for applicant and identified as follows:
page 1161 #3223 Moses Taylor, Tahlequah District.

Q Were you in prison ever? A Yes sir; that's one reason why I didn't register when you were here before; I was at Muskogee; they kept me there eight months, and turned me loose without a trial.

Q Could you have been in prison in 1830? A No, I know I wasn't.

Commissioner Needles: This testimony will be filed with the testimony taken in the original application.

M.F. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.F. Green

Subscribed and sworn to before me this November 14, 1901.

J. C. Starr
Notary Public.

Taylor.

in 1880.
proof as to residence of his
name as a citizen of the United States.

Her husband, Moses Taylor, cannot be identified upon the
authenticated roll of 1880, but is identified upon the
roll of 1888. By reason of the fact that he cannot be identi-
fied upon the authenticated roll of 1880, and no satisfactory
proof is made as to his citizenship, said Moses Taylor will be
listed for enrollment as a citizen by blood upon a doubtful
card, awaiting further consideration of the Commission.

Bruce C. Jones, being sworn, says that as stenographer to
the Commission to the State of New York he has correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of the stenographic notes thereof.

Sworn to and subscribed before me this 18th day of November, 1901.

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ALBANY, N. Y.

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Cherokee.

File with Moses Taylor, Doubtful Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 12, 1901.

In the matter of the application of Eliza Taylor for the enrollment of herself and her husband, Moses Taylor, as Cherokees by blood.

Eliza Taylor, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Eliza Taylor now.
Q How old are you? A I am going on 56 years old.
Q What is your postoffice? A Tahlequah.
Q What district do you live in? A Tahlequah District.
Q You a Cherokee by blood? A Yes, sir.
Q Who do you want now to enroll besides yourself? A Just me and my husband.
Q What is his name? A Moses Taylor.
Q How old is he? A He is about 39 years old.
Q He is younger than you? A Yes, sir.
Q White man? A Cherokee.
Q Is his postoffice Tahlequah? A Yes, sir.
Q Have you got any children under 21 years of age? A No, sir, have no children at all.
Q Were you ever married before you married Moses Taylor? A Yes, sir, I married William Butler.
Q Is he living? A No, sir, he is dead.
Q Was Moses ever married before he married you? A Yes, sir.
Q What was his wife's name? A He married a white woman in Fort Smith, I don't know her name.
Q Is she living? A I think she is living down there somewhere.
Q Was he ever divorced from her? A Yes, sir.
Q That degree of blood have you; about how much Cherokee? A They always called me a half breed Cherokee.
Q What degree is your husband? A Half breed.

The 1880 authenticated roll of Cherokee citizens examined and the applicant, Eliza Taylor, identified thereon, page 740, No. 296, Tahlequah District, as Eliza Butler.

- Q Did your husband ever go by any other name than Moses Taylor?
A No, sir.
Q What was his father's name? A Creed Taylor was his name.
Q Is he living? A No, sir, he is dead.
Q His mother's name? A I don't know his mother's name.
Q Has he always lived in Tahlequah? A No, sir, he used to live down in Sequoyah.
Q You know whether or not his name is on the roll of 1880 or not?
A I think it is, because I heard him say it was, it must have been in Sequoyah where it was put down.
Q He never went by any other name besides Taylor? A No, sir, no other name that I know of besides Taylor.
Q Are you sure he is a Cherokee? A Yes, sir, I am, because he has drawn money every time we drew it.

The 1896 census roll of Cherokee citizens examined and the applicant, Eliza Taylor, identified thereon, page 1251, No. 3271, Tahlequah District.

- Q You know whether he was ever admitted or not by the Cherokee Council? A No, sir.
Q Where was he born? A He was born down about Sequoyah.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Living in the Cherokee Nation now, are you? A Yes, sir, I was raised and born right around Tahlequah here.
Q Well, your husband will have to come in and tell us something about his business, we can't find his name on the 1880 roll. A Well he has been telling me all the time that his name was on the 1880 roll, well he come come in and attend to his own business.

name of Mose Taylor found thereon, page 1251, No. 3370, Tahlequah District.

Commissioner: Eliza Taylor applies for the enrollment of herself and her husband, Moses. She avers that she was formerly married to one William Butler, and she is duly identified upon the authenticated roll of 1880 as Eliza Butler, and the census roll of 1893 by her present name of Eliza Taylor. She is identified as a native Cherokee and makes satisfactory proof as to residence, and she will now be listed for enrollment as a Cherokee by blood.

Her husband, Moses Taylor, cannot be identified upon the authenticated roll of 1880, but is identified upon the census roll of 1893. By reason of the fact that he cannot be identified upon the authenticated roll of 1880, and no satisfactory proof is made as to his citizenship, said Moses Taylor will be listed for enrollment as a Cherokee by blood upon a doubtful card, awaiting further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of November, 1901.

W. F. Jones

Commissioner.

April 1, 1964

Dear Mr. Tolson:

I am writing to you in regard to the matter of the

admission of the Chinese to the United States.

It is my understanding that the Chinese are being admitted to the United States in large numbers, and that this is causing a serious problem for the United States. I am sure that you are aware of this, and I am sure that you are taking steps to deal with it. I am writing to you to express my concern about this matter, and to urge you to take the necessary steps to deal with it.

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U.S. DEPT. OF THE INTERIOR

ACTING CHAIRMAN

04/01/64

I am sure that you are aware of this, and I am sure that you are taking steps to deal with it. I am writing to you to express my concern about this matter, and to urge you to take the necessary steps to deal with it.

Yours truly,

Supl.-C.D.#1254.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of MOSES TAYLOR
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney with an opportunity would be given him to introduce any additional testimony affecting his case. The applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---0000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J. A.

In the matter of the application for the enrollment of
Moses Taylor as a citizen by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on November 12, 1901, Eliza Taylor appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of her husband, Moses Taylor, as a citizen by blood of the Cherokee Nation. The other parties to this application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, November 13, 1901.

The evidence shows that the said Moses Taylor is a citizen by blood of the Cherokee Nation and that he was born and has always resided in said nation. It further appears, from an examination of the records in the possession of the Commission, that Lewis Taylor, a brother of the applicant, Moses Taylor, is duly identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, and that the said Moses Taylor is duly identified upon the 1886 pay roll, the 1894 Strip payment roll and the 1896 census roll of said nation as a native Cherokee.

It is, therefore, the opinion of this Commission that Moses Taylor should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]

Acting Chairman.

[Signature]

Commissioner.

C. R. Anderson

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

249

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1254.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Eliza Taylor for the enrollment of her husband, Moses Taylor, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 9.

D1254

~~Exhibit~~
Moses Taylor.

- Original testimony Nov 13, 1901.
- Memo of application Nov 12, 1901.
- Letter to applicant.
- Supplemental testimony Nov 13, 01.
- Supplementary testimony 11/3/01
- Notice of final consideration, 2/27/02

7-45

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

See other jacket to

Cher D 1255

Cher D 1255

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Cherokees.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 13, 1901.

In the matter of the application of Edward D. Hicks for the enrollment of three children, his cousins, Charles, Edward and Jesse Hicks, as Cherokee citizens by blood; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Edward D. Hicks.
Q What is your age? A 36.
Q What is your post-office address? A Tahlequah.
Q You live in Tahlequah District? A Yes sir.
Q For whom do you apply now for enrollment? A Why I apply for, -
(produces papers.)
Q Who is Senora Hicks? A He is the father of these children.
Q You apply for Hannah Hicks? A Yes sir.
Q She is alive? A Yes sir.
Q How old is Hannah Hicks? A She is 23 years old.
Q She will have to apply for herself? A Yes, she will have to apply for herself.
Q How about Polly, you apply for Polly? A She is of age too.
Q Charles Hicks? A I apply for him, he is 19 years old.
Q Edward Hicks, apply for him? A Yes sir, he is 16 years old.
Q Jesse Hicks? A Yes sir, he is 13 years old.
Q What relation are you to these children? A They are first cousins of mine.
Q Are they living? A Yes sir.
Q Where? A They are in Nevada.
Q Where was Charles Hicks born? A He was born in Nevada.
Q Edward born in Nevada? A Yes sir.
Q And Jesse born in Nevada? A Yes sir.

Commissioner: The applicant presents a certificate of admission to Cherokee citizenship issued from the office of the Commission on citizenship at Tahlequah, Cherokee Nation, on the 12th day of January, 1888, signed by J.T. Adair, Chairman of the Committee on Citizenship, attested by C.G. Lipe, Clerk of the committee on citizenship, approved and indorsed by J. B. Mayes, Principal Chief, under the seal of the Cherokee Nation, certifying that among others on the 12th day of January 1888, Charles Hicks, aged 6 years, Edward Hicks, aged 3 years and Jesse Hicks, aged 2 months, were duly admitted to Cherokee citizenship at said date, 12th of January, 1888; in said certificate is also found the name of Senora Hicks, aged 64 years, Jane Hicks, aged 12 years, Hannah Hicks, aged 10 years and Polly Hicks, aged 8 years.

- Q Are the names of these children for whom you apply upon any of the rolls of the Cherokee Nation? A No sir. Why they are on the Strip roll I guess.
Q Did they draw what is known as the Strip money? A Yes, but they didn't draw any on the regular Cherokee roll; Council allowed them their money after that payment, consequently their names are not on that roll; they are not on that pay roll.
Q Who was the father of these children? A Senora Hicks.
Q Where is he living? A In Nevada.
Q Has he ever lived in the Cherokee Nation? A Not since '49.
Q These children were born and raised in the State of Nevada, and live in the state of Nevada at the present time and their father Senora Hicks never removed with them to the Cherokee Nation, by what right do you claim their citizenship? A I claim their citizenship because they were minors and are minors now, and Cherokee children.

Commissioner: Upon examination of the records of the Cherokee Nation, the names of said children are not found; applicant avers that they received what is known as the Cherokee

Edward D. Hicks for cousins 2

Strip money of 1894, but their names do not appear upon the pay roll; he avers that they were paid by an Act of the Cherokee Council after the regular payment was made.

Applicant:

I want to state that the reason that these people have never come back here is because he was a miner, and an unsuccessful miner, and always had something in view but never did get it, and never was financially able to come back; wanted to come back, but never did get here.

Q Did Senora Hicks ever live in the Cherokee Nation? A ~~Oh yes~~ Oh yes sir, he lived here until he went away in '49; born here; no, he was born in the Old Nation I guess.

Q Do you know these children to be alive at this time? A Yes sir, I had a letter from them only a couple of weeks ago in regard to this.

Commissioner Needles: Edward D. Hicks applies for the enrollment of Charles, Edward and Jesse Hicks. He presents certificate of admission more particularly described in the testimony; he avers that said children have never lived in the Cherokee Nation were born and all now live in the State of Nevada. He claims that by reason of the fact that said children were minors at the time of their admission and are still minors that they are entitled to be enrolled as Cherokee citizens. The only question to be determined is as to the rights of these children by reason of being minors at the time they were admitted, and minors at the present date, and the further fact that they are non-residents at the present time. They will now be listed for enrollment as Cherokee citizens upon a doubtful card, awaiting further consideration of the commission.

L. T. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

L. T. Green

Subscribed and sworn to before me this November 17, 1901.

Notary Public.

COMMISSION TO THE LIEUTENANT GOVERNOR
DEPARTMENT OF THE INTERIOR

NOV 31 1905

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ACTING CHIEF

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Supl.C.D.#1258.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the application for enrollment
of CHARLES HICKS as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to appear either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Charles Hicks, Edward Hicks and Jesse Hicks as citizens by blood of
the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on November 13, 1901, Edward D. Hicks appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his cousins, Charles Hicks, Edward Hicks and Jesse Hicks, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902.

The evidence shows that the said Charles Hicks, Edward Hicks and Jesse Hicks were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on January 12, 1888, and are duly identified by an Act of the Cherokee National Council, approved November 26, 1894, making an appropriation for the benefit of persons omitted in the payment of the Strip funds and found to be entitled thereto.

The evidence further shows that the said Charles, Edward and Jesse Hicks were born and have always resided in the State of Nevada and were not residing in the Indian Territory on June 28, 1898, nor at the date of this application.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Charles Hicks, Edward Hicks and Jesse Hicks as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this _____

349

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

ALLISON I. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1255.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Edward D. Hicks for the enrollment of Charles, Edward and Jesse Hicks as citizens by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Inc. H-27.

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1255.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date July 16, 1902, denying the application for the enrollment of Charles Hicks, Edward Hicks and Jesse Hicks as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 1, 1902.

Very respectfully,



Acting Chairman.

12.55
IN THE MATTER OF THE APPLICATION OF

Charles Hicks, et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher D 1256

Cher D 1256

and the design of the system is based on the principle of the "one-to-one" relationship between the user and the system.

[illegible]

Handwritten signature: J. R. [illegible]

SECRET

101 - Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 15, 1901

In the matter of the application of James W. Shirley for the enrollment of himself and one child as Cherokees by blood.

James W. Shirley, appearing before the Commission and being duly sworn and examined, testified as follows:

- Q What is your name? A James W. Shirley.
Q How old are you? A 24.
Q What is your postoffice address? A Tahlequah.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Have you ever been recognized as a citizen by the tribal authorities? A Yes, sir.
Q Does your name appear upon any of the tribal rolls? A Yes, sir. I think it is on the 1896 roll.
Q Do you apply for anyone besides yourself? A Just my baby is all.
Q What is the name of your baby? A John W.
Q How old is he? A Going on 6 months old.
Q Is this child living? A Yes, sir.
Q Is it living with you? A Yes, sir.
Q What is the name of the child's mother? A Irene Elizabeth.
Q Is she living? A Yes, sir.
Q How old is she? A 21.
Q Is she a Cherokee or a white woman? A She is a white woman.
Q What was the name of your father? A John Shirley.
Q Is he living or dead? A He is living.
Q What was the name of your mother? A Mrs. Knight now.
Q What is her full name? A Elizabeth Knight.
Q Is your father a Cherokee? A Yes, sir.
Q Is your mother a Cherokee? A No, sir.
Q How much Cherokee blood do you claim? A Why he is only a half breed, my father.
Q Makes you one fourth? A Yes, sir.
Q Where were you born? A In the Territory somewhere, I don't know whereabouts.
Q In the Cherokee Nation? A Yes, sir.
Q How long have you lived here? A All my life.
Q Living here now? A Yes, sir.
Q Have you been outside the Cherokee Nation within the past three years? A No, sir.
Q When were you married to your wife? A In '99.
Q Have you any evidence of your marriage? A There is my mother's there.
Q Have you got the marriage license and certificate? A Yes, sir (hands Commission paper.)

Commission: There is offered in evidence a certified copy of the marriage license issued by James A. Winston, Clerk of the United States Court for the Northern District of Indian Territory, authorizing the marriage of James W. Shirley and Miss Irene E. Gordon. The license is dated on the 22nd day of July, 1899. There is a certificate attached showing that the above mentioned parties were married in accordance with the said license by J. E. Combs, a minister of the gospel, on the 23rd day of July, A.D., 1899. The document is filed herewith.

- Q Were you ever married before you married your present wife?
A No, sir.
Q Was she ever married before? A No, sir.
Q Are you living together at the present time? A Yes, sir.
Q Is this your child by your present wife? A Yes, sir.
Q Where were you living in 1890? A Here in the Territory somewhere.
Q Is your name on the 1890 roll? A I don't know whether it is or not.

The 1880 authenticated roll of Cherokee citizens examined and the applicant not identified thereon.

The 1896 census roll of Cherokee citizens examined and the applicant not identified thereon.

Q Have you ever drawn any money from the tribal authorities of the Cherokee Nation? A Yes, sir.

Q When? A I don't know what year it was, I drew 13.70.

Q Do you know Leroy Knight? A Yes, sir, he is my brother.

Q Do you know Thomas Knight? A Yes, sir, he is my brother.

Q Do you know Cora Wilkerson? A Yes, sir.

Q Are these your brothers and sisters? A Yes, sir.

Q Elizabeth Knight is your mother, is she? A Yes, sir.

Q Didn't you draw \$265.70 from the Cherokee Nation? A Yes, sir.

The 1894 pay-roll examined and the applicant identified thereon, page 687, No. 1561, Going Snake District, as James V. Shirley.

Q Were you or your parents ever readmitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council or Commission on Citizenship? A Yes, sir, just before we drew this.

Q Well, have you any evidence of that fact? A Only my mother here, that is her (indicating).

By J. R. Sequichie, Agent for applicant: Is your father a Cherokee by blood? A Yes, sir.

Q Where does he live? A Lives on Baron Fork.

Q What is the citizenship of your mother? A My mother is a white woman.

Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes, sir.

Q In what way? A Well I have voted here ever since I was old enough, and then I was locked up down here in this national jail.

Q Tried by the Cherokee Courts? A Yes, sir.

Q And sentenced to serve out a term in the Cherokee National jail under the sentence of the Cherokee Judge? A Yes, sir.

Mr. Sequichie: I wish to present as evidence a record from the Executive Department, a certificate granting a pardon and restoring him to full rights of citizenship, under seal.

Mr. J. L. Baugh, Cherokee Representative: This does not state what his citizenship is; we propose to show that he is not a citizen of the Cherokee Nation; that restored him to the full rights of citizenship, but not as a Cherokee citizen.

Commission: The document will be filed and considered for what it is worth.

ELIZABETH KNIGHT, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Elizabeth Knight.

Q How old are you? A 46.

Q What is your postoffice address? A I am 45.

Q What is your postoffice? A Tahlequah.

Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.

Q By blood? A No, sir.

Q Are you a white woman? A Yes, sir.

Q Are you acquainted with the applicant, James V. Shirley? A Yes, sir.

Q In what way are you related to him? A I am his mother.

Q Who was his father? A John Shirley.

Q Is John Shirley living? A Yes, sir, I suppose he is.

Q Is he a Cherokee or a white man? A He is part Cherokee.

Q Has he ever been recognized by the tribal authorities of the Cherokee Nation? A Yes, sir.

Q In what way? A His father and mother I suppose are both Cherokees.

Q Does he claim his right to enrollment through his father or mother?

A Why through his father and mother both I suppose, I can't tell you.

Q When were you married to John Shirley? A We wasn't never legally married.

Q When did you begin to live together? A Well you can tell I guess, he told you his age, didn't he?

Q I want when did you and John Shirley, the father of the applicant, begin to live together, how long ago? A I don't remember the year.

Q Have you any children by John Shirley older than the applicant?

A No, sir, that is the oldest one.

Q That is the oldest one you had? A Yes, sir.

Q Did you have any other children by John Shirley? A No, sir, only the one.

Q How long did you continue to live with him? A About three months.

Q You are not living with him now? A No, sir.

Q And haven't lived with him since you left him about three months after you began to live together? A No, sir.

Q Were you living with him when this child was born? A No, sir, I went to my mother's.

Q How long before the birth of the applicant did you leave John Shirley? A Well I never paid close attention to them matters.

Q Was it as much as six months? A Yes, sir, I guess it was.

Q Was it more than six months? A No, I guess not, but I can't tell you exactly about that, I know he is John's child.

Q Did you ever live with John Shirley as his wife? A No not particularly.

Q You never stayed in the same house with him at all? A Yes I have, in his father's and mother's houses.

Q Were you living there at the time? A Yes, sir, living with my brother.

Q Where were you living when this child was born? A To my mother's up in Going Snake.

Q Did John Shirley take you to the home of his parents? A Yes, sir, I was there living.

Q Did he take you there? A Well I guess so.

Q How long did you remain there? A I stayed with my brother most of the time, backwards and forwards.

Q As a matter of fact, you didn't live with John Shirley at all as his wife? A No, not to tell the truth, I guess I didn't.

Q How long did you stay at the home of his parents? A I was just backwards and forwards from my brother's to his house, to his mother's.

Q You were simply visiting; did he ever support you? A No, sir.

Mr. Baugh: Did he have any other wife? A No, sir, he didn't have no other wife at all.

Q Did he marry afterwards? A Yes, sir, he was married afterwards.

Q You know what his other wife's name was, that he married?

A Addie Still.

Commissioner: Has the father of the applicant ever recognized the applicant as his son? A Why he always claimed him to me.

Q Did he ever contribute anything to the support of the applicant?

A Why he always told me he claimed him.

Q Did he ever give you any money, did he ever support this child?

A No, sir, he never did.

Mr. Sequichie: Was this man John Shirley married before you and him took up together? A No, sir.

Q Were you ever married before? A No, sir.

Q How long did you and him live together? A About three months.

Q Was there any reason why you didn't marry? A Why he just promised me all the time that we would get married, go to Park Hill and get married, he went back on his word.

Q Was there any other reason why you were not married? A Why his mother was opposed to it.

Q And you say that this boy's father has always recognized him as his son? A Yes, sir.

Mr. Sequichie: We wish to offer his father as a witness when he comes, he hasn't come in yet.

Commission: Did you marry anyone since you ceased to live with John Shirley? A Yes, sir.

Q You have been married since then? A Yes, sir, married George Knight.

Q When did you marry him, how long after the birth of the applicant?

A I don't remember how long it was, he was three years old I think.

Q What is the citizenship of George Knight, is he a Cherokee or a white man? A He is a Cherokee.

Q Is he living? A No, sir, he is dead.

Q When did he die? How long ago? A Why he has been dead, I can't tell you exactly how many years, this youngest child was about 2 years old, going on 3, and it would be 14 now.

Q Did you have any children by George Knight? A I had two children by him.

Q What are their names? A Leroy and Thomas.

Q Are they recognized as citizens of the Nation? A Yes, sir.

Q Did you ever have any children by any other man? A Yes, sir.

Q By whom? A I have a daughter, but she is a white girl.

Q Is she older than the applicant or younger? A Younger.

Q Was she born before you married George Knight? A Yes, sir.

Q Do you know whether or not the name of the applicant's father appears upon any of the rolls of the Cherokee Nation; whether John Shirley's name appears upon any of the tribal rolls? A Why he is a Cherokee.

Q Whether his name appears upon any of the rolls? A Why his name is here upon all the rolls I suppose, old man Wedge Shirley was his father.

Q Has John Shirley got any other name besides John, got an initial in his name? A Not that I know of, I never did hear of any.

Q Are you sure that he wasn't married before you began to live with him? A Yes, sir, I am sure of that.

Q Did he marry after you left him? A Yes, sir, married afterwards.

Q What was the name of his wife? A Addie Still.

Q Did he have any children by her? A He had several, I don't know how many.

Q Do you know the names of any of the children that he had by that woman? A No, sir, I don't think I do, I never went about them and I wasn't acquainted with his children.

Q You don't know any of his children? A No, sir, I knew his wife before him and her was married but I never did go about them.

Q How long after you left him was it that he was married to this other woman? A I don't know exactly how many months, it wasn't hardly a year I don't think, but I never paid close attention so I don't know how long but I don't think it was a year.

Commission: James W. Shirley applies for the enrollment of himself and one child as Cherokees by blood. He is not identified upon any of the tribal rolls except the strip payment roll. He avers that he is the son of John Shirley and Elizabeth Knight; that the said John Shirley is a Cherokee by blood; that his mother is a white woman. It further appears from the testimony of the applicant's mother that she was never married to the said John Shirley, or never lived with him as his wife. The applicant avers that he has lived in the Cherokee Nation all his life; that he was married on the 23rd day of July, 1889, and produces satisfactory evidence as to said marriage. He and his child will be listed for enrollment as Cherokees by blood on a doubtful card, and he will be required to file with the Commission satisfactory proof as to the birth of his child, John W. Shirley, age 6 months.

Mr. Baugh: Now comes the Cherokee Nation, by its representatives, and protests against the listing for enrollment of the applicant even upon a doubtful card, on the ground that

the testimony of his mother shows that she never lived with John E. Shirley as his wife at any time, and she being a white woman and not married nor living with the said husband, that the doubt in the mind of the Representative is that he is not a citizen of the Cherokee Nation.

Commission: By reason of the fact that the agent of the applicant desires to introduce further testimony in this case, the so called field judgment will not be changed.

Mr. Sequichie: The Agent of the Applicant wishes to call especial attention of the Commission to the certificate of pardon herein enclosed.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 15th of November, 1901.

M. D. Green
Notary Public.

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APR 9 1905
RECEIVED
COMMISSION TO THE FLAOR MIXED TRIBES
DEPARTMENT OF THE INTERIOR

JOHN C. HARRIS

R.

C. D-1256.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
JAMES W. SHIRLEY for the enrollment of himself and child as citizens
of the Cherokee Nation.

Appearances:

J. R. Sequichie, agent for applicant.

W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 22d day of March, 1902. The applicant this day, to-wit: the 22d day of March, appears by his agent, J. R. Sequichie.

BY COMMISSION OF MR. SEQUICHIE: Is there any statement you desire to make in this case? A None at all.

Q You were requested to furnish the Commission with evidence of the birth of this child. Have you that with you? A No sir.

The agent for the applicant will be granted ten days in which to furnish the Commission with a duly executed affidavit as to the birth of the applicant's son, John W. Shirley.

The agent for the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James W. Shirley for the enrollment of himself and minor child, John W. Shirley, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 15, 1901, James W. Shirley appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself and minor child, John W. Shirley, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 22, 1902.

The evidence shows that the applicant, James W. Shirley, is the son of John Shirley, who is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, and Elizabeth Knight, a white woman.

The evidence further shows that James W. Shirley was lawfully married, on the 22nd day of July, 1898, to Irene E. Gordon, a white woman; that John W. Shirley is the minor child of James W. Shirley and his wife, Irene E. Shirley.

The evidence further shows that James W. Shirley was born and has resided in the Cherokee Nation all his life, and is duly identified upon the 1890 pay roll and the 1894 Strip payment roll of said Nation as a native Cherokee; that John W. Shirley has lived in the Cherokee Nation all his life, and is duly identified by birth affidavit made a part of the record herein.

It is, therefore, the opinion of this Commission that James W. Shirley and his minor child, John W. Shirley, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 27, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamie Dixey.

Acting Chairman.

T. E. Hodges.

Commissioner.

C. E. [illegible]

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB -1 1903

13

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th, 1903.

IN THE MATTER OF THE APPLICATION OF JAMES SHIRLEY FOR
THE ENROLLMENT OF HIMSELF AND MINOR CHILD, JOHN W.
SHIRLEY, AS CITIZENS BY BLOOD OF THE CHEROKEE NATION.

Cherokee D-1256

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on February 2nd., 1903 in the above case, and asks that the same be forwarded to the Secretary of the Interior for review.

The testimony in this case shows that James W. Shirley is the illegitimate child of Elizabeth Knight, a white woman; and he contends that he is a son of John Shirley, whose name appears upon the 1880 Cherokee authenticated roll. The testimony is quite clear that the alleged father, John Shirley, never lived with Elizabeth Knight, the mother of the applicant; never held her out to the community as his wife, and although the said John Shirley is living, he was not brought before the Commission as a witness in this case; and he therefore never publicly recognized the applicant as his child. At first the mother of the applicant dodges the question, but at last she, answering this question:

"Q:- As a matter of fact, you did
"not live with John Shirley at all as
"his wife?" she says:

"A:- No, not, to tell the truth,
"I guess I didn't".

And in answer to this question:

"Q:- And you say that this boy's
"father has always recognized him as
"his son?" she answered:

"A:- Yes sir".

whereupon Mr. Sequichie, Agent for the applicant, interrupted and said:

"We wish to offer his father as a
"witness when he comes; he hasn't come
"in yet".

Now the records show that this application

was made on November 10th., 1901 at the town of Tahlequah, and the said John Shirley, the alleged father of the applicant, resides on Baron Fork, only a few miles east of the town of Tahlequah; and the said John Shirley was never produced as a witness in this case, although plenty of time and opportunity was given.

The name of the applicant does not appear upon the 1880 authenticated roll, neither does it appear upon the 1896 roll, although it does appear upon the 1894 Cherokee Strip pay roll. But the Department will remember that the Act of the Cherokee Council making the 1894 roll a pay roll, specially said that it should not be authenticated, and the Council refused to authenticate it, indicating that it was not a correct roll; and it never has been accepted as a correct roll by the Department or by the Commission.

It will also be noted that the applicant gave his age as 24 years in 1901, which would have made him been born in 1877, or prior to the making of the 1880 roll. Now, the Curtis Bill, Section 21, directs the Commission:

"To enroll all persons now living
"whose names are found on said roll,
"(1880), and all descendants born
"since the date of said roll to persons
"whose names are found thereon".

It does not direct the Commission to enroll illegitimate children born prior to the 1880 roll, but only legitimate children born subsequent to that date.

Now, Section 692 of the Compiled Laws of the Cherokee Nation legitimatizes the issue of three classes of illegitimate children:

First: Where the marriages have been prohibitive on account of consanguinity between the parents:

Second: Where either parent had a former husband or wife living:

Third: Where the man afterwards married the woman who was the mother of the illegitimate child, and thereby publicly recognized the child.

It would be observed from the above that no illegitimate children were recognized except where the father and mother lived together as husband and wife, and publicly recognized the child as theirs.

Now in this case there is no evidence whatever that John Shirley recognized James W. Shirley as his son. John Shirley does not appear before the Commission to give evidence in behalf of his alleged son, and there is no evidence that he ever lived with Elizabeth Knight and held her out to

(3)

the community as his wife; and furthermore, the birth of so many illegitimate children to Eliza-both Knight should, in our judgment, under the circumstances, and taking into consideration that John Shirley refuses to appear, destroy what Eliza-both Knight had to say about the parentage of the child.

We respectfully submit that it is a dangerous precedent for the Department to establish to admit illegitimate children of this character upon the unsupported testimony of a woman of this character.

Respectfully submitted,

-----*N. N. Hao Tung*-----
Attorney for the Cherokee Nation

COMMISSIONER
HENRY L. DAWES
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

Cherokee D-1256

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of James W. Shirley for the enrollment of himself and minor child, John W. Shirley, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-224

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1256

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

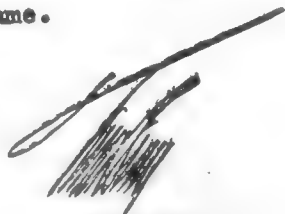
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of James W. Shirley for the enrollment of himself and his minor child, John W. Shirley, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Chairman.

COMMISSIONERS
TAMM DIBBY,
THOMAS B. NEEDLES
C. K. BRICKNORRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1256

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application of James W. Shirley for the enrollment of himself and his minor child, John W. Shirley, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 11, 1903.

Respectfully,



Commissioner in Charge.

IN THE MATTER OF THE APPLICATION OF

~~James W. Shockey et al~~

- ~~A. Original testimony Nov 15 1901~~
- ~~B. Memo of application Nov 15 1901~~
- ~~C. Certified copy of marriage license & affidavit~~
- ~~D. Affidavit of applicant being pardoned~~
- ~~Receipt for testimony~~
- ~~Notice of final consideration 9/22/02~~

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Cher D 1257

Cher D 1257

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 12, 1900.

In the matter of the application of Rebecca Wilkerson for the enrollment of herself and child as Cherokee citizens; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Rebecca Wilkerson.
Q What is your age? A 57.
Q What is your postoffice address? A Peggs.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir.
Q Intermarriage? A Yes sir.
Q Who do you want to enroll; yourself? A Me and my son.
Q What is your son's name? A William D. Wilkerson.
Q How old is he? A 14.
Q Are you married? A My husband is dead.
Q What was his name? A John Wilkerson.
Q What was your name before you were married? A Oglesby.
Q Was that your name in 1880? A Wilkerson in 1880.
Q Have you been married since the death of your husband? A No sir.
Q You always lived in the Cherokee Nation? A Yes sir, ever since I have been married.
1880 roll, page 822, #2896, Rebecca Wilkerson, Tahlequah district
1896 roll; page 1292, # 304, Rebecca Wilkerson, Tahlequah district
1896 roll, Page 1272, #3831, William Wilkerson, Tahlequah district
Q Is William living with you? A Yes sir.
Q Always lived in the Cherokee Nation? A Yes sir.

Commissioner Needles-

The name of Rebecca Wilkerson appears upon the authenticated roll of 1880 as well as the Census roll of 1896. The name of her son, William D., appears upon the Census roll of 1896 as William Wilkerson. Both being duly identified and having made satisfactory proof as to residence, the said Rebecca Wilkerson will be duly listed for enrollment as a citizen by intermarriage, and her son, William D. Wilkerson, will be duly listed for enrollment as a Cherokee citizen by blood.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 13th day of December, 1900.
T. B. Needles

Commissioner.

Maud Cotner, being duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of testimony and that the same is a true and correct copy of the original now on file in the office of the Commission.

Subscribed and sworn to before me this 15 day of June, 1902.

Maud Cotner
Philip H. Renter
Notary Public.

Feb 15 1910

[illegible]

7/14/80

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 19, 1901.

In the matter of the application of Beatrice Allen for enrollment as a Cherokee by adoption.

Beatrice Allen, appearing before the Commission and being duly sworn and examined, testified as follows:

- Q What is your name? A Beatrice Allen.
- Q How old are you? A I am 37.
- Q Your postoffice address? A Pegas, Tahlequah District.
- Q Do you claim to be a Cherokee by blood? A No, sir.
- Q Do you want to apply for anyone besides yourself? A No, sir, just myself, my children is already enrolled.
- Q What is the name of your father? A Frederick Brown.
- Q Is your father living or dead? A He is dead.
- Q What is the name of your mother? A Rebecca Wilkerson.
- Q Is she living? A Yes, sir.
- Q Is your father a white man? A Yes, sir, my father was.
- Q Is your mother a white woman? A Yes, sir.
- Q Then you don't claim any Indian blood at all? A No, sir, only by adoption.
- Q By adoption: have you ever been admitted to citizenship by an Act of the Cherokee National Council or Commission on Citizenship? A No, sir, only by adopted by a Cherokee family and then married an adopted.
- Q Whom did you marry? A Solomon Hair.
- Q When did you marry him? A In '86.
- Q Is he a Cherokee or a white man? A Cherokee.
- Q Is he living or dead? A Dead.
- Q When did he die? A He died in '89.
- Q Did you marry again after his death? A Yes, sir, I married three years ago.
- Q What is the name of your present husband? A Daniel Allen.
- Q That was three years ago? A Yes, sir, it was in '98.
- Q Is he living or dead? A He is living.
- Q Is he a Cherokee or a white man? A He is a white man.
- Q Have you ever drawn any money from the tribal authorities? A No, the bread money when I was a child.
- Q Did you ever apply to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation? A No, sir.
- Q Is this the first application you have ever made for enrollment? A No, my name is on the rolls all the way through.
- Q On what roll, is your name on the roll of 1880? A Yes, sir, and '86 and '96, and all the way through my name is on.
- Q Did you draw strip money? A No, sir, I only drew as an adopted.
- Q What was your name twenty years ago? A Why Beatrice Wilkerson is the way my name is enrolled, adopted in the Wilkerson family.
- Q Were you born in the Cherokee Nation? A No, sir, I was only two years old when I came here.
- Q Have you lived here continuously since that time? A Yes, sir, ever since, I never was out of the Nation.

The 1880 authenticated roll of Cherokee citizens examined and the applicant identified thereon, page 822, No. 2597, Tahlequah District, as Beatrice Wilkerson, 16 years of age, adopted white; note says: "White child; stepchild of John Wilkerson; doubtful."

- Q What was your name five years ago? A Hair.
- The 1896 census roll of Cherokee citizens examined, and the applicant identified thereon, page 1282, No. 186, Tahlequah district, as Beatrice Hair, adopted white; note says: "Wife of Solomon Hair."

The 1880 authenticated roll of Cherokee citizens examined, and Solomon Hair identified thereon, page 542, No. 922, Illinois district.

Q After the death of your father, Frederick Brown, your mother was married to a man named Wilkerson? A Yes, sir.

Q What was his full name? A John Wilkerson.

Q Is your mother's name on the roll of 1880, or was she dead before that? A No, sir, her name is on the roll.

Q Is your stepfather's name on that roll? AA No, sir, he died two years ago this last March.

Q When did your mother die? A She is living.

The 1880 authenticated roll of Cherokee citizens examined and the name of John Wilkerson appears thereon, page 822, No. 2595, Tahlequah District, native Cherokee, 38 years of age.

Rebecca Wilkerson on page 822, No. 2596, Tahlequah District, as native Cherokee.

Commission: Beatrice Allen applies for the enrollment of herself as a citizen of the Cherokee Nation. She avers that she is the child of Frederick and Rebecca Brown, both of whom were non citizens of the Cherokee Nation; that after the death of her father, Frederick Brown, her mother married a John Wilkerson, a citizen of the Cherokee Nation. The said John Wilkerson is identified on the authenticated roll of 1880 and the applicant's mother, Rebecca Wilkerson, is likewise identified on that roll. The applicant is identified on the roll of 1880, with a note opposite her name stating that she is a white woman. She is identified on the census roll of 1896 as a white woman, and the wife of Solomon Hair. She avers that she was married in the year 1886 to one Solomon Hair, who is duly identified on the authenticated roll of 1880 as a native Cherokee; that after his death in 1889 she married one Daniel Allen in 1896. The said Daniel Allen is a white man. By reason of the fact that the applicant is not identified on any of the tribal rolls as a citizen by blood of the Cherokee Nation, and the further reason that if she is merely an adopted citizen of the Cherokee Nation, it may be possible that she did, by reason of her marriage to Daniel Allen, a white man, forfeit her right to enrollment as a citizen of the Cherokee Nation, she will be listed for enrollment on a doubtful card, having made satisfactory proof as to her residence, and when the decision of the Commission is finally rendered, she will be notified in writing at her present postoffice address.

It appears upon a further examination of the tribal roll of 1880 that the applicant's mother, Rebecca Wilkerson, appears on said roll as a native Cherokee, although applicant herself avers that her mother is a white woman, and not a citizen by blood.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 18th of November, 1901.

Mad Green
Notary Public.

VOLUNTARY

NOV 19 1801

FILED

COMMISSION TO THE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

43

6152J

Cherokee
CHEROKEES BY BLOOD AND ADOPTION.

Date

*Nov. 19*190*4*

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

1. Wife's name

*31 Beatrice Allen**Page 94*

District

Tah

Year

*1880*Page *822*No. *2597*

Citizen by blood

No

Mother's citizenship

*Parents**Friedrich Brown, d. w.*

Intermarried citizen

*Adopted White**Robert Wilkerson, l. w.*

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

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Age

Application by

Stenographer, B. C. Jones.

No. 1 on 1880 Roll

as

Beatrice Wilkerson

No. 1 on 1896 "

p. 1282

No. 1294

Beatrice Hair Tah

COPIES OF THE REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
TO THE SECRETARY OF THE INTERIOR, 1890, ARE ON FILE IN THE
OFFICE OF THE SECRETARY OF THE INTERIOR, WASHINGTON, D. C.

The day, however, was not really profitable for the Bureau. On August 8, 1932, the day after the arrest of the subject, the Bureau was informed of the fact that the subject was being held by the local authorities. The Bureau was also informed of the fact that the subject was being held by the local authorities. The Bureau was also informed of the fact that the subject was being held by the local authorities.

RECEIVED
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

VOYAGING CHAIRMAN

... and a transcript of the ...

Supl.-C.D.#1257.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of BEATRICE ALLEN
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date she could appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record

---ooo000ooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

1961 11 10 10 10

DEPARTMENT OF THE INTERIOR

COMMISSIONER OF THE BUREAU OF LAND MANAGEMENT

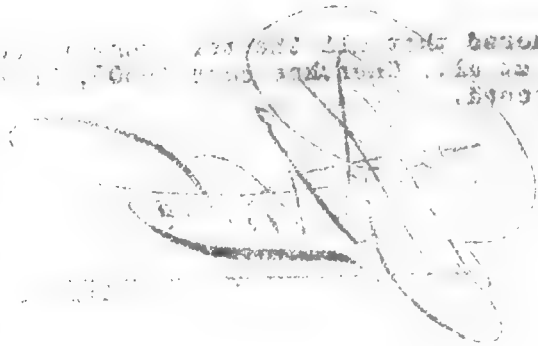
Department of the Interior
Commissioner of the Bureau of Land Management
Washington, D.C. 20250



ACCORD CHAIR

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Department of the Interior at Washington, D.C. this 10th day of November, 1961.

At the Bureau of Land Management, Washington, D.C., this 10th day of November, 1961, I have signed this document and caused it to be signed by the Commissioner of the Bureau of Land Management.

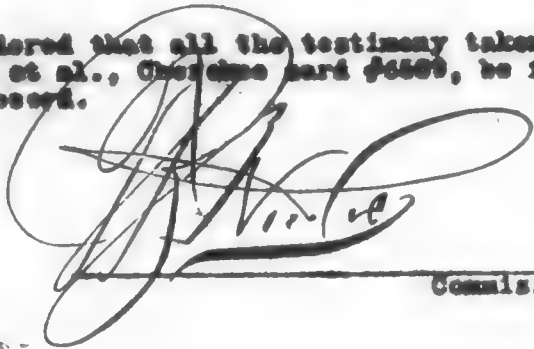


Cherokee B 1257

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Ind. Ter., June 20, 1902.

In the matter of the application of Beatrice Allen as a
citizen by intermarriage of the Cherokee Nation:

It is hereby ordered that all the testimony taken in the
case of Rebecca Wilkerson et al., Cherokee card #6409, be filed with
and made a part of this record.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner, is written over a horizontal line.

Commissioner.

CMer-D-1257.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 23, 1902.

In the matter of the application of Beatrice Allen for enrollment as a citizen by intermarriage of the Cherokee nation.

Beatrice Allen being first duly sworn, and examined by the Commission; testified as follows:

- Q Your name is Beatrice Allen? A Yes sir.
Q How old are you? A 39 years old.
Q What is your postoffice address? A Peggs, I. T.
Q Are you a white woman? A Yes sir.
Q Was your name on the roll of 1880 as an adopted white citizen? A Yes, I guess so; I know I was adopted in a Cherokee family.
Q Was you married in 1880? A I was married in '86.
Q For the first time in '86? A Yes sir.
Q How does your name come to be on the roll of 1880? A I guess when I was adopted.
Q What was your name in 1880? A Beatrice Wilkison. (Wilkinson)
Q Was that the name of the family that brought you up? A Yes sir.
Q Are they Cherokees? A Yes sir.
Q Are you on the roll of 1880 as an adopted white or a Cherokee? A I don't know; I think as an adopted white though.
Q Who did you marry in 1886? A Solomon Hare.
Q Is he dead? A Yes sir.
Q When did he die? A He died-- I couldn't tell you what year; its 12 years the 19th of last February.
Q Did you live with him from the time you married him up to the time of his death? A Yes sir.
Q Have you married since Mr. Hare's death? A Yes sir. My present name is Allen.
Q What is your present husband's name? A Daniel Allen.
Q Is he living? A Yes sir.
Q Have you been living with him ever since you married him? A Yes sir.
Q Is he a Cherokee by blood? A No sir.
Q He is a white man, is he? A Yes sir.
Q You married him after the death of your first husband? A Yes sir.
Q Have you been living in the Cherokee nation all your life? A Yes.
Q Never lived anywhere else? A No, I don't know anything else.
Q You say your first marriage was in 1886? A Yes, January 5, 1896.
Q You had never been married before that? A No sir.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this October 29th, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Beatrice Allen for enrollment as a citizen of the Cherokee Nation.

DECISION.

The record in this case shows that on November 19, 1901, Beatrice Allen appeared before the Commission at Tahlequah, Indian Territory, and made personal application for her enrollment as a citizen of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 26, 1902, and on October 23, 1902. The record in the matter of the application of Rebecca Wilkerson for enrollment as a citizen by blood of the Cherokee Nation, had at Tahlequah, Indian Territory, on December 12, 1900 is made a part of the record herein, and filed herewith.

The evidence shows that Beatrice Allen is the daughter of one Frederick Brown, a white man, and of Rebecca Brown, his wife, a white woman; that said Rebecca Brown, after the death of her said husband, Frederick Brown, married one John Wilkerson, a native Cherokee; that said Beatrice Allen, nee Brown, resided with her mother and step-father, John Wilkerson, and was known and enrolled under the name of Beatrice Wilkerson.

It appears from an examination of the records of the Cherokee Nation in possession of the Commission, that the said Beatrice Allen is identified upon the 1880 authenticated roll of said Nation as an adopted white, also upon the 1890 and 1896 Census rolls of said Nation as an adopted white. The evidence further shows that at the date of the preparation of the said 1880 roll, the applicant was a single and unmarried person.

The evidence further shows that the said Beatrice Allen, formerly Wilkerson, was lawfully married in the year 1886 to one Solomon Hair, who is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee; that they lived together as husband and wife until the death of said husband, in the year 1889, and that, in 1898, after the death of said husband, Solomon Hair, she married one Daniel Allen, a white man.

The evidence further shows that Beatrice Allen has lived in the Cherokee Nation all her life, continuously up to and including the date of this application.

It is the opinion of this Commission that Beatrice Allen should be enrolled as a citizen of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1896, (30 Stats., 495), and it is, therefore, so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this 28 day of June, 1903.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 2nd., 1903.

IN THE MATTER OF THE APPLICATION OF BEATRICE ALLEN
FOR ENROLLMENT ASA CITIZEN OF THE CHEROKEE NATION BY
INTER-MARRIAGE.

D-1257--Cherokee.

PROTEST OF THE CHEROKEE NATION.

Comees now the Cherokee Nation and respectfully protests against the decision of the Commad en rendered in the above case on January 31st., 1903, and asks that the same be forwarded to the Secretary of the Interior for review.

The evidence in this case shows that Beatrice Allen is the daughter of Rebecca Wilkinson by her former husband, Frederick Brown; that the father and mother of the applicant were both white; that the father never claimed any rights of citizenship in the Cherokee Nation, and that the mother, Rebecca Wilkinson, only claimed by reason of her inter-marriage to John Wilkinson, the step-father of the applicant.

When the 1880 roll was made, it seems that the applicant was living with her mother, Beatrice Wilkinson and step-father, John Wilkinson, and in making an enumeration of the family, this child's name was taken and specifically marked, "White. Step-daughter of John Wilkinson, Doubtful", and it never was intended, as the evidence clearly shows, that this child should ever be recognized as a citizen of the Cherokee Nation.

Under the column of "Citizenship", opposite the name of the applicant, appears "A.W.", which indicates that she was classed as an adopted white. But this is a clerical error, and many of them have been found by the Commission and corrected, because many native Cherokees have been found classified as "Adopted" Colored", and vice versa. To show that an error was made, opposite the name of the mother, which appears immediately above the name of the applicant upon the roll of 1880, appears, "Cher", which indicates that she is a native Cherokee, whereas, the mother never claimed to have been a native Cherokee. She always claimed to be a white person, and only claimed by virtue of her marriage to John Wilkinson, and it certainly was intended for the "A.W." which appears opposite the name of the applicant, to be placed opposite the name of her mother, appearing directly above here, and the note opposite her name on

the 1880 roll clearly indicates that it was the intention of the National Council to have her name reserved from the list of those approved by the Act of the National Council authenticating this roll, because she did not claim to have been adopted by an Act of the Cherokee National Council, or by any authority whatsoever. She does not claim citizenship, either, by reason of her birth, because both parents were white and not citizens of the Cherokee Nation at the time of her birth.

The Commission also certifies to the fact that her name appears upon the roll of 1890 and 1896. That is very natural, and is explained by reason of the fact that in 1886 she married a Cherokee by blood, Solomon Hair, and she appears upon both of those rolls as his wife, and as an adopted white, and she was entitled at that time to be enrolled as an adopted white, and her name legally appears upon both of those rolls as an adopted white. But after the death of her husband, Solomon Hair, she married one Daniel Allen, a white man, and we submit that under Section 666 of the Compiled Laws of the Cherokee Nation, she is not entitled to be enrolled as a citizen of the Cherokee Nation.

Section 666 provides:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen by inter-marriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, as the case may be, having no rights of Cherokee Citizenship by blood. In that case, all of his or her rights acquired under the provisions of this Act shall cease".

Now, we contend that the retention of her name upon the 1880 roll was merely a clerical error, which the note opposite her name shows; that she was never adopted by the constituted authorities of the Cherokee Nation as a citizen of the Cherokee Nation; that by reason of the fact that her mother married John Wilkinson, it conferred no citizenship rights upon the applicant, and that after marrying Solomon Hair, a Cherokee, and becoming a citizen of the Cherokee Nation by inter-marriage, she clearly forfeited her rights as a citizen of the Cherokee Nation by intermarriage when she married her present husband, who is a white man and not a citizen of the Cherokee Nation.

Respectfully submitted,

N. W. Hastings
Attorney for the Cherokee Nation -

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LD1257

10. 1941
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A. L. H. CHAINMAN

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COMMISSIONERS
HENRY L. DAWES,
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Cherokee D-1250

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **March 3,**

1902.

Mrs. Beatrice Allen,

Ponca, Indian Territory,

Madam:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

Acting Chairman
~~James Bixby~~
Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1257.

ADDRESS ONLY THE
AGENTS OF THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application of Beatrice Allen for the enrollment of herself as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-9.

Vinita, Indian Territory, February 13, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of February 7, the
jackets and records in the following Cherokee cases are transmitted
herewith:

D- 596, Sarah E. Nicholson,
D- 380, Julia A. Moore, et al.,
D- 333, John S. Martin, Sr.,
D-1257, Beatrice Allen.

Respectfully,

Clerk in Charge.

Encl-S-9

GRS

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYRESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

OFFER IN REPLY TO THE FOLLOWING:

Cherokee D-1257

Muskogee, Indian Territory, February 16, 1903.

W. W. Hastings,

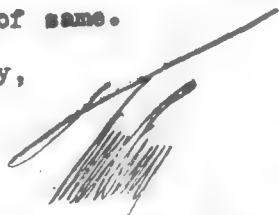
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings in the matter of the application of Beatrice Allen for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 28, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 3, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

Cherokee D-1257

Muskogee, Indian Territory, February 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Beatrice Allen for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 28, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tam. C. C. C.

Acting Chairman.

Enc. M-285

COPY.

Cherokee D-1257

Muskogee, Indian Territory, February 16, 1903.

Beatrice Allen,

Peggs, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated January 28, 1903, granting your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

W. H. Murray
Acting Chairman.

Enc. M-85

Register.

D.C.1149-1907.

COPY.

Y.P.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.24830-1906.

December 31, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 8, 1906 (Land 12111-1903), the Indian Office
Submitted the record in the matter of the application of
Beatrice Allen for the enrollment of herself as an intermarried
citizen of the Cherokee Nation, and recommended that the
decision of the Commission to the Five Civilized Tribes of
January 28, 1903, in favor of the applicants, be reversed.

In view of the decision of the Supreme Court of the
United States in the case of Daniel Red Bird et al., citizens of
the Cherokee Nation by blood, and Francis B. Fite et al.,
claiming to be entitled to citizenship in the Cherokee Nation by
intermarriage, the decision of the Commission to the Five
Civilized Tribes of January 28, 1903, is reversed.

The papers in the case have been sent to the Indian
Office for its files.

Respectfully,

Thos. Ryan,

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

4 inc. to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 1257.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 12, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application of Beatrice Allen for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 31, 1906, and said application denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-151
JMH

Commissioner.

Cherokee
D 1257.

Muskogee, Indian Territory, January 14, 1907.

Beatrice Allen,

Peggs, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 31, 1906, and your application denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. H-150
JMH

Commissioner.

Cher D 1258

Cher D 1258

A

58

DEPARTMENT OF JUSTICE
COMMISSION TO INVESTIGATE

FILE

DEC. 5 190

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes.
Tahlequah, I.T., November 25th, 1901.

In the matter of the application for the enrollment of Susan Jane Wickett as a citizen of the Cherokee Nation by intermarriage:

William Wickett, appearing before the Commission and being duly sworn, testified as follows:

- Q What is your name? A William Wickett.
Q How old are you, Mr. Wickett? A 68 years old last September.
Q What is your postoffice address? A Akins.
Q What district are you living in? A Sequoyah.
Q Do you desire to make application for the enrollment of your wife?
A Yes, sir.
Q Do you apply for her as a citizen by blood or a citizen by intermarriage? A By marriage.
Q What is the name of your wife? A Susan Jane.
Q How old is she? A She is 64.
Q Is she living? A Yes, sir.
Q You have already been listed for enrollment, have you not? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q What degree of Cherokee blood do you claim? A About one-sixteenth.
Q Were you admitted to citizenship by an act of the Cherokee National Council or Commission on Citizenship? A Well, now, I was admitted through this commission court they had established here.
Q How long ago was that? A It was in 1887 I think. I think it was in 1887 as well as I recollect. I have got the paper at home, but I never thought anything about fetching it.
(It appears from the testimony taken in the matter of the application of William Wickett for the enrollment of himself at Sallisaw, August 2, 1900, that he presented a certificate of admission to Cherokee citizenship issued by the Commission on Citizenship on the 25th day of June, 1887, signed by J. T. Adair, Chairman, Commission on Citizenship, attested by C. C. Lips, Clerk of the Commission, and approved and endorsed by D. W. Bushyhead, Principal Chief, Cherokee Nation, under the seal of the Cherokee Nation.)
Q ~~When~~ When were you married to your wife? A I think it was in 1856. It has been a long time ago.
Q You and she have lived together continuously since that time?
A Yes, sir.
Q Where were you married? A Gordon County, Georgia.
Q After your admission to citizenship were you and your wife remarried? A No, sir.
Q Does the name of your wife appear upon any of the tribal rolls of the Cherokee Nation? A I reckon it is on the roll of '90, if I aint mistaken.
Q Is her name on the roll of 1896? A Well, it is on—she was enrolled once on the adopted, I think.

(Upon an examination of the Census roll of 1896 it is found that the name of Susan J. Wickett is identified thereon as follows: 1896 roll, page 1119, No. 186, Susan J. Wickett, Sequoyah District, Adopted White.)

By the Commission:

William Wickett applies for the enrollment of his wife, Susan J. Wickett, as a citizen by intermarriage of the Cherokee Nation. His wife is fully identified on the census roll of 1896 as an adopted white. It appears from the testimony taken in the matter of the application of the said William Wickett, who has been

listed for enrollment as a citizen of the Cherokee Nation on Cherokee card No. 1147, that he was admitted to citizenship by an act of the Cherokee Commission on citizenship in 1881. It appears from the testimony in this matter that he was married to his wife in the state of Georgia in the year 1858, and that they have been living together continuously since that time. The applicant avers that he was not remarried to his wife after his own admission to citizenship in the Cherokee Nation. By reason of this fact the said Susan J. Wickett will be listed for enrollment as a Cherokee citizen by intermarriage on a doubtful card, and when the decision of the commission is finally rendered the said William Wickett will be notified in writing at his present postoffice address.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded the testimony in the above case, and that the same is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of November, 1901.

W. D. Green
Notary Public.

001758

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS

FILED

APR 13 1902



ACTING CHAIRMAN

Supl.-C.D.#1258.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.? March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of SUSAN J: WICKETT
as a citizen of the Cherokee Nation:

The applicant's husband, William Wickett, was notified by registered letter March 3, 1902, that his application for the enrollment of his wife, Susan J. Wickett, as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902. On said date the applicant appeared and by agreement with the representative of the Cherokee Nation, the case was continued until March 24, 1902. The same being this day, to-wit: the 24th day of March, 1902 called, the applicant, William Wickett, appears in person.

The applicant offers in evidence a certified copy of a certificate from the Cherokee Commission on Citizenship showing that he was admitted to citizenship in the Cherokee Nation on the 21st day of June, 1887. The same is filed and made a part of the record.

JOHN WICKETT, being duly sworn, testified as follows on
part of applicant:
By the Commission:

- Q What is your name? A John Wickett.
Q How old are you? A I am about 63.
Q What is your post office address? A McLain.
Q Are you acquainted with the applicant in this case, Susan J. Wickett? A Yes, sir.
Q How long have you known her? A I have known her about 40 or 45 years.
Q Do you know anything about her marriage to her husband, William Wickett? A Well, I wasn't there at the marriage but I know at the time where him and her were married.
Q How long ago was it? A It was along '56 or '57.
Q Were they married at that time? A They were married in '56 or '7.
Q Since that time have they always been living together as man and wife? A I have saw them frequently since then.
Q They are living together now? A Two or three years ago they was living together then and before the war they was living together (Mr. W. W. Hastings, Cherokee Representative, waives examination.)
Commission: William Wickett in behalf of his wife and the representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee D-1896.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan J. Wickett as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 25, 1901, William Wickett appeared before the Commission at Talleguah, Indian Territory, and made personal application for the enrollment of his wife, Susan J. Wickett, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 24, 1902, and October 14, 1902.

The evidence shows that the said Susan J. Wickett was lawfully married in 1886, to William Wickett, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on June 7, 1887. The Cherokee Supreme Court, in the case of Cherokee Nation vs. Nancy Rogers and Melissa Watson vs. W. A. Watson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. The said Susan J. Wickett is duly identified on the 1890 census roll of the Cherokee Nation.

The evidence further shows that the said Susan J. Wickett had resided with her husband in the Cherokee Nation since his admission, and up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Susan J. Wickett should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jame Kirby

Acting Chairman.

T. F. Needles

Commissioner.

J. B. Blount

Commissioner.

Muskogee, Indian Territory,
this NOV 20 1902

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Susan J. Wickett as a citizen by intermarriage of the Cherokee Nation

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, November 25, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Susan J. Wickett as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 24 and October 14, 1902, and January 2, 1907. The records further show that on November 20, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, granting said Susan J. Wickett the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Susan J. Wickett, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation, other than such right as she may have acquired by virtue of her marriage, in the state of Georgia in the year 1856, to one William Wickett, a Cherokee by blood; that the said William Wickett was not, at the time of said marriage, a recognized citizen of the Cherokee Nation, and did not become such until his admission to citizenship therein by the duly constituted authorities of said Nation June 25, 1887. Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. Neither the said applicant, Susan J. Wickett, nor her husband, William Wickett, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision of the Commission to the Five Civilized Tribes rendered November 20, 1902, granting the application for the enrollment of Susan J. Wickett as a citizen by intermarriage of the Cherokee Nation, be rescinded, set aside and held for naught, and that in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Susan J. Wickett, is not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1258.

ALLISON I. AYERSWORTH
SECRETARY.

Muskogee, Indian Territory, November 26, 1902.

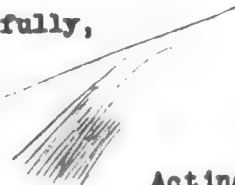
W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of William Wickett for the enrollment of his wife, Susan J. Wickett, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-192.

REFER IN REPLY TO THE FOLLOWING:

Cher. 9951

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 4, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 4, 1907, denying the application for the enrollment of Susan J. Wickett, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of the proceedings had in this case, has this day been transmitted to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office has been informed of the same.

Respectfully,

Commissioner.

MT-31

(COPY)

Land.
13133-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 5, 1907, enclosing the record in the matter of the application for the enrollment of Mattie A. Davis, as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commissioner, dated February 5, adverse to the applicant.

The record shows that application was made for the enrollment of Mattie A. Davis on September 25, 1900. It is shown that she is a white woman and was lawfully married to Joseph W. Davis July 23, 1871, who was not at that time a resident of or a citizen of the Cherokee Nation. She was duly enrolled as an intermarried citizen by the Commission to the Five Civilized Tribes, December 10, 1902. She has no rights to citizenship in the Cherokee Nation except such as she acquired by virtue of her marriage to Joseph W. Davis. He was not admitted to citizenship by the authorities of the Cherokee Nation until December 16, 1887, and it was nearly five years after that date before they removed to and took up their permanent residence in that nation.

She did not marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. The Office is therefore of the opinion that the decision of the Commissioner, dated February 5, 1907, reaffirming the decision of the Commission of December 18, 1902, and denying the application for the enrollment of Mattie A. Dyer as an intermarried citizen of the Cherokee Nation is correct in view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al vs. the United States, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner/

EVE

(COPY)

D.C.12043-1907

JFJr

DEPARTMENT OF THE INTERIOR, LLE
WASHINGTON.

I.T.D.4684-1907.

February 27, 1907.

4686- "
4700- "

LRS

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On February 21, 1907 (Land 13129, 13130, 13133), the Indian Office transmitted your reports dated February 4 and 5, 1907, inclosing the records in the matter of the application for enrollment as citizens by intermarriage of the Cherokee Nation of

Mattie A. Davis,
Margaret R. Mulkey,
Susan J. Wickett.

In these cases you rendered decisions rescinding the decisions of the Commission to the Five Civilized Tribes dated, respectively, October 27, 1902, November 23, 1902, and December 10, 1902, and denying the applications for the enrollment of these persons, in view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., vs. the United States.

The Indian Office recommends that your decisions in these cases be approved. Copies of its letters are inclosed.

The Department considers your decisions correct, and they are hereby affirmed.

It does not appear that the applicants in the above decisions were placed upon a roll of citizens of the Cherokee Nation under the decision of the Commission to the Five Civilized Tribes dated November 20, 1902, and it being presumed that such action has not been taken, no authority will be granted for the cancellation of said names from the rolls. However, if said persons have been duly placed upon the rolls the matter should be brought promptly to the attention of the Department.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

3 inc. and 6 to Ind. Of.

APMc.
2-28-07.

REFER IN REPLY TO THE FOLLOWING:

Cherokee 10018
9860 9951

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 9, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, rescinding the decisions of the Commission dated December 10, 1902, October 27, 1902, and November 20, 1902, and denying the applications for the enrollment of Mattie A. Davis, Margaret R. Mulkey and Susan J. Wickett, respectively, as citizens by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 27, 1907. 125-4

For your information, there is enclosed herewith a copy of the Department's decision.

Respectfully,

Commissioner.

Enc. M-107

MH

Supra of Wicket

P. Special testimony Nov 25/01

Annals of application Nov 25/01

Notice of final consideration, 3/22/02

2. List of recommendations

[Large handwritten signature/initials, possibly "J. H. ..."]

See to her for ...

Cher D 1259

Cher D 1259

1. The above being stated, the Board of Directors of the American Telephone and Telegraph Company, Inc. has decided to pay a dividend of \$1.00 per share of common stock for the year ending December 31, 1964.

8

WATKINS CHAIRMAN

10.5.2.9

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 27, 1901.

In the matter of the application of Richard Spaniard for the enrollment of himself as a Cherokee citizen by blood; being sworn and examined he testified as follows:

BY COMMISSION:

- Q What is your name? A Richard Spaniard.
- Q How old are you? A 25.
- Q What is your post-office address? A Stilwell.
- Q What district in the Cherokee Nation are you living in? A Flint.
- Q You claim to be a Cherokee by blood? A Yes sir.
- Q How much Cherokee blood do you claim? A Why I don't know, my father ~~was~~ is half Mexican and my mother is a full-blood.
- Q Do you want to enroll anyone besides yourself? A No sir.
- Q Have you ever been recognized as a citizen of the Cherokee Nation?
- A Yes sir.
- Q Is your name on the rolls? A Yes sir.
- Q Have you always drawn money? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Are you living here now? A Yes sir, I live right down below Stilwell.
- Q Have you ever been outside of the Cherokee Nation? A No.
- Q What is the name of your father? A William Spaniard.
- Q Is he living? A Yes sir.
- Q What is the name of your mother? A Mandy Spaniard.
- Q Is your father a Cherokee by blood? A Yes sir, ~~making Mexican~~ and half Mexican.
- Q Is your mother living? A No sir, she is dead.
- Q She was a Cherokee? A Yes sir.
- Q Are you ~~married~~ married? A No sir, my wife is dead.
- Q What was her name? A Katie.
- Q Did you have any children? A Yes sir, they are dead too.
- Q When did your mother die? A She died the year of the payment. Nine years ago. My mother died the 24th day of November.
- Q Were you ever known as Ezekiel? A That is my half brother; he is older than I am.
- Q Did you ever have a sister named Rachel? A Yes sir.
- Q Did you have a brother named Nick? A Yes sir, that's one, Nick, but he is dead.
- Q Were you ever known by any other name than Richard? A No sir, not that I know of.
- Q Were you living with your mother when that roll of 1880 was made? A I don't know.
- Q Why isn't your name on that roll of 1880? A I can't tell you.
- Q Did you ever have a nick name? A No sir, they never called me by a nick name as I know of. I lived in Illinois District all my life up until here along in July.
- Q Who were you living with there? A Living with my father, I come to Flint district then.
- Q Your father was living in Sequoyah District in 1880 wasn't he?
- A I guess so, I don't know.
- Q Was your father older than your mother or younger? A My father was older.
- Q How old a man would he be if he were living; how old is your father now; he is living isn't he? A My father, I think he is about 56 years old, something like that, I don't know.
- Q Did you ever have a sister named Eliza? A No, I don't know, I don't think so; I had 2 sisters named one Peggie and Lizzie and Nancy.
- Q How old is Peggie? A She is about 19 I reckon; something like that; and Lizzie she is dead.
- Q Did you ever know a man named John Spaniard living down in Sequoyah District? A No, unless that was the old man's brother.
- Q Did John have any children? A He had 2.

Q What were their names? A I declare I couldn't tell you. I never did see them but once or twice in my life.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found;
1896 census roll of citizens of the Cherokee Nation examined for applicant and identified on
page 903, No. 1770, Richard Spaniard, Illinois District,

Commission: Richard Spaniard applies for the enrollment of himself as a Cherokee by blood. He avers that he has lived in the Cherokee Nation all his life, and is living here at the present time. He is not identified on the authenticated roll of 1880. He is duly identified on the census roll of 1896. By reason of the fact that his name is not found on the authenticated roll of 1880 he will be listed for enrollment as a Cherokee by blood on a doubtful card, and when the decision of the Commission is finally rendered in his case he will be notified in writing at his present post-office address.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this December 3, 1901.

[Signature]

Commissioner.

C 1259 v

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1902

 ACTING CHAIRMAN

'Supl.-1259.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of RICHARD SPAN-
IARD as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that he might on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant has this day, to-wit: the 22d day of March, 1902, been called, and failing to respond either in person or by attorney the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Reason, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

TO THE HONORABLE SECRETARY OF THE ARMY
WASHINGTON, D. C.

SIR:

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter mentioned therein.

I am, Sir, very respectfully,
Your obedient servant,
J. H. [Signature]

RECEIVED
JUN 25 1902

TO THE HONORABLE SECRETARY OF THE ARMY
WASHINGTON, D. C.

SIR:

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter mentioned therein.

I am, Sir, very respectfully,
Your obedient servant,
J. H. [Signature]

Very respectfully,
Your obedient servant,
J. H. [Signature]

RECEIVED
JUN 25 1902

TO THE HONORABLE SECRETARY OF THE ARMY
WASHINGTON, D. C.

SIR:

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter mentioned therein.

I am, Sir, very respectfully,
Your obedient servant,
J. H. [Signature]

D-1089.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 17, 1902.

In the matter of the application of Sarilda Scott for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TO D-1089.

APPEARANCES:

Applicant in person,
W. W. Hastings for Cherokee Nation.

COMMISSION: The applicant in this case was notified by registered letter June 4, 1902, to furnish the Commission, on or before June 19, 1902, with a certificate of her marriage to her former husband, William Headrick, also with a certified copy of the decree of divorce from the said William Headrick.

SARILDA SCOTT, being first duly sworn, testified as follows:

- COMMISSION: What is your name? A Sarilda Scott.
Q How old are you? A 53.
Q What is your postoffice address? A Bennett.
Q You are an applicant before the Commission for enrollment as a citizen by intermarriage? A Yes, sir.
Q What was the name of your first husband? A Mortimer B. Scott.
Q Is that the name of your first husband? A Yes, sir.
Q What was the name of your second husband? A William Headrick.
Q Is William Headrick living or dead? A He's living I guess; was the last time I heard of him.
Q Was your first husband a Cherokee or a white man? A He was a white man.
Q Was he living when you were married to Headrick? A No, sir.

There is offered in evidence a certified copy of the record of marriages in Canadian District, Cherokee Nation, showing that on the 6th day of September, 1883, William Headrick and Mrs. Mr. Scott were united in matrimony by A. Woodall, Judge of the District Court of said district. This is filed herewith and made a part of the record.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of June, 1902.

Arthur G. Croninger
W. W. Hastings
Notary Public.

Cherokee D 1259

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Richard Spaniard for enrollment as a citizen by blood of the Cherokee Nation:

DECISION.

The record in this case shows that on November 27, 1901, Richard Spaniard appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that Richard Spaniard is the son of William Spaniard and Mandy Spaniard, his wife, both of whom are identified on the 1880 authenticated roll of the Cherokee Nation as native Cherokees. From an examination of the records in the possession of this Commission, it appears that the said Richard Spaniard is duly identified upon the 1883, 1886 and 1890 pay rolls of said Cherokee Nation and upon the 1896 Census roll of said nation as a native Cherokee.

The evidence further shows that the said Richard Spaniard was twenty-five years of age at the date of this application and was born and has always resided in the Cherokee Nation up to and including the date of this application.

It is, therefore, the opinion of this Commission that Richard Spaniard should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRICKNIDGE

ALLISON J. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN FULLY TO THE FOLLOWING

Cherokee D 1259.

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,


Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Richard Spaniard for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 8.

~~James E. Dwyer~~
IN THE MATTER OF THE APPLICATION OF

~~Richard Spanward~~

~~Original testimony Nov 27/01~~

~~Answer of affidavit Nov 27/01~~

~~Notice of final consideration, 3/22/02~~

~~J~~

~~U~~

~~9375~~

Cher D 1260

Cher D 1260

Mem 88 a
Mem 88

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 23 1900

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 24th, 1900.

IN THE MATTER OF THE APPLICATION OF Julia McBea for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Julia McBea.
Q How old are you? A About fifty.
Q What is your Postoffice? A Peoria.
Q Whom do you want to enroll? A Just myself.
Q How long have you lived in the Cherokee nation? A Eight years/
Q Where did you come from here? A Kansas.
By Mr. W. W. Hastings, Cherokee Representative:
Q Where did you go from here? A Quapaw Reservation.
Q How long have you lived over there since? A Back and forth.
Q How long have you lived over there with the Eastern Shawnees?
A Yes sir.
Q Your name is not on the roll of 1890? You were not here in 1890? A I am on the 1890 roll as Bluejacket.
Q Delaware District? A Yes sir.
Q Where did you marry? A Here in Vinita.
Q How long did you live here after you were married? A About one month.
Q Where is your husband; where does he live? Across the River.
Q Who was your father? A Samuel Tibbee.
Q Who was your mother? A Mattabee.

By the Commission:

- Q How old are you? A About fifty.
Q What is your maiden name? Julia Ann Tibbee.

The name of Julia McBea is not found on any of the rolls of the Cherokee Nation now in the possession of this Commission: She states that her maiden name was Julia Ann Tibbee; afterwards she married one Charles Bluejacket, and afterwards, one Bliss, and then her present husband, Samuel McBea. She avers that she is a Shawnee Indian, and acknowledges in the testimony that she took a reservation among the Eastern Shawnees: And her name not being found upon any of the rolls of the Cherokee Nation, under the provision of the Act of Congress of May 31st, 1900, this Commission ~~has no jurisdiction~~ is without jurisdiction to receive, consider or make any report of your application, for the reason that you are not a recognized citizen of the Cherokee Nation; never have been enrolled or admitted as such. If you desire to have the Secretary of the Interior consider your case, and will so state in writing to the Commission, your application will be forwarded to the Secretary of the Interior, when the final rolls of the Cherokee Nation are forwarded him for approval.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 25th day of September, 1900.


COMMISSIONER.

Will not pay

appearing and show to prove the right of the State of New York.

22

Wm. H. H. H.

RECEIVED
NOV 9 1891

RECEIVED
NOV 9 1891

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28, 1901.

SUPPLEMENTAL TESTIMONY in Cherokee Headright Case 388, the case
of Julia Hobbs.

JULIA HOBBS, being first duly sworn by Commissioner C. R.
Brookins, testified as follows on her own behalf:

(By Com'r Brookins)

- Q Give me your name? A My name?
Q Yes ma'am? A Right now?
Q Right this moment. A Julia Hobbs is my name right now.
Q How old are you? A I will be 51 next month.
Q What is your post office? A Peoria.
Q You applied before this Commission in September, last year? A October?
Q No, in September? A Yes sir.
Q Did you come with the Shawnees from Kansas? A Yes sir, come with
the Shawnees from Kansas City.
Q Was that when the general movement was made to come here? A How?
Q Was that when they all came down? A Yes.
Q What was your name at that date? A Bluejacket.
Q Bluejacket? A Yes.
Q What was your father's name? A Tiblow.
Q What was his full name? A Samuel Tiblow.
Q Is he dead? A Oh he has been dead a good long time.
Q Did he die before the Shawnees came down here? A Yes sir, died
back in Kansas City.
Q Give me the name of your mother? A Her name?
Q Yes? A I don't remember it, I will ask this woman here—Nancy
Hadley.
Q Is she dead? A She is dead long time ago, I was two years old
when she died.
Q Died before the Shawnees came here did she? A Yes sir.
Q How many times have you been married? A I will have to count first—
four times.
Q Four times? A Yes.
Q What was the name of your first husband? A Bluejacket.
Q Give me his full name? A Charley Bluejacket.
Q Is he a Shawnee? A Yes.
Q Is he dead? A No he is living yet.
Q Where is he living? A Hah?
Q Where is he living? A Within two miles from where I came from, Peoria.
Q Give me the name of your next husband? A Bob Bone.
Q Is he dead? A Yes sir.
Q What was he, a white man? A Shawnee.
Q Give me the name of your next husband? A Ridley Blinn.
Q Is he dead? A Dead.
Q Was he a Shawnee? A No, he was a Modok.
Q Give me the name of your next husband? A Samuel Hobbs.
Q Is he dead? A No he is living.
Q What is he, white man? A Yes.
Q Are you living with him? A Lived with him until last July.
Q When did you move out of the Cherokee Nation? A Hah?
Q When did you leave the Cherokee Nation? A Twenty years ago I ex-
pect.
Q Twenty years ago? A Yes.
Q Where did you go? A I went across Spring River along the Peorian
near Seneca.
Q You have been living there ever since? A I worked out first and
then got married there.

Q But you have been living there ever since? A Yes sir.

Q What was your name then, when you moved among the Peorias? A Bluejacket.

Q Did you draw Cherokee Strip money? A I never drew no money at all from the Cherokees.

Q What was the name of your first husband's father—the father of your husband Bluejacket? A I can't tell you—he died—I will ask this woman here—I think his name was John.

Q Was your husband ever called Charles Bluejacket Jr.? A There was two of them, one was Old Charlie and my husband was younger than the other Charlie.

Q There were two of them and your husband was the younger of the two? A Yes sir.

On the Shawnee register of Shawnees who moved to and located in the Cherokee Nation within two years from the 9th of June, 1869 in accordance with an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians on the 7th of June, 1868 at Washington, and approved by the President on the 9th of June 1868 in accordance with the fifteenth Article of the Cherokee Treaty with the United States, proclaimed August 11, 1866, there appears the name of Charles Bluejacket Jr., #116, and in connection therewith, evidently his wife Julia Bluejacket. The latter is considered a reliable identification of the applicant upon the Shawnee register.

Q What became of Ida Bluejacket? A She is dead, Nat is my baby.

Q She came with you at the time? A Yes sir.

Q Did you ever know a man named Price Bluejacket? A That is my husband's cousin.

Q What was the name of his wife? A Julia Randall before she married.

Q I find that man and his wife on the roll? A Yes they are here.

Q I don't find you on that roll? A Didn't you find me on that roll there just now? A I mean the authenticated roll of 1880? A Oh.

A Julia Bluejacket is found on the roll of 1880, but she is distinctly identified as another woman, being with her husband, who is a cousin of this applicant's husband, and the applicant herself is not identified on the roll of 1880.

The applicant cannot be found on the Cherokee Census roll of 1896.

Q You are not on the Shawnee Pay Roll as Julia Bluejacket? A Yes.

Q Are you there by any other name at all, did you draw Strip money?

A No sir, I never did draw any money.

Q Are you on the Census roll of 1896? A Yes sir.

Q You are? A Yes sir.

Q Under what name? A I can't tell you, we are together, my husband, and my name and my baby's name.

Q I am talking about the Census roll, taken five years ago—you don't claim to be on that roll do you? A I don't believe I am, I can't tell.

The Census Roll of 1896 has been searched for the applicant under all the four names that she has borne and she cannot be identified on that roll.

Q When did you and Bluejacket part? A Ah?

Q When did you part from your husband Bluejacket? A Long time.

Q Before you went up to the Peorias? A Yes sir.

Q Whom did you go with up there? A With a woman, a cousin of mine named White.

Q But with what man did you go with up there? A I staid up there

with a Peoria man, Indian fashion, wasn't married to him, named Johnson; I remained single for a long time before I taken up with him.
 Q Was he the first man you lived with as husband and wife after you left Bluejacket? A Yes sir.
 Q And you took up with him in the Peoria country? A Yes sir.
 Q And after that you lived with this man Bob Bone? A Yes sir, after that.
 Q You are sure you haven't kept some more names back—more you there are no others that you are keeping back from us? A No sir no more.

AMES DICK being first duly sworn by Commissioner G. R. Breckinridge as an interpreter, testified as follows:

(By Com'r Breckinridge)

Q Give me your full name? A Ames Dick.
 Q How old are you? A 38.
 Q What is your post office.

MARY DICK, being first duly sworn by Commissioner G. R. Breckinridge, testified as follows through Ames Dick as interpreter:

(By Com'r Breckinridge)

Q What is your name? A Mary Dick.
 Q How old are you? A 67.
 Q Are you the mother of this interpreter? A Yes sir.
 Q Do you know this woman here, Mrs. Hobbs? A Yes sir.
 Q Was she ever married to a man named Charles Bluejacket Jr.? A Yes sir.
 Q Did she come here with the Shawnee Indians away back here when they came down here? A Yes sir.
 Q This is the same woman? A Yes sir.
 Q Have you known her all the time? A Yes sir.
 Q Are you a Shawnee? A Yes sir.
 Q Did you come with the Shawnees back in that day? A Yes sir.
 Q Are you a full blood? A Yes sir.

BY COM'R BRECKINRIDGE: This testimony is supplemental to Cherokee Memorandum filed as shown in the title. It will be filed with that case and a copy of it will be sent to the Secretary of the Interior, and the present examiner will recommend to the Commission that the Secretary be requested, upon the testimony now developed, to remand this case back to the Commission for review; and it is the opinion of the examining Commissioner that the case, after having been so remanded, should be placed on a doubtful card to be taken up in its regular order, the applicant being listed as an adopted Shawnee. She has now been duly identified on the original Shawnee roll. It is also definitely established that she is the same person identified on that roll, and that she ~~about twenty years or more ago~~ left Cherokee Nation some twenty years or more ago and has made her home since that time in the Peoria country. She is not upon the roll of 1880, or upon the Shawnee Pay Roll, or upon the Census roll of 1886. Indeed, there seems to be no question whatever that she is not upon any roll except the original Shawnee Roll, and the question in her case seems to be as to whether she by continued residence in the Peoria country has not abjured her citizenship in the Cherokee Nation, as a Cherokee-Shawnee, or rather, as an adopted Shawnee.

Chas. von Weiss, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings, and that the foregoing is a true and complete transcript of his stenographic notes therein.

-4-

Chas van Wueg

Subscribed and sworn to before me this the 29th of October, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MAR 31 1902

0101960

Supl.-C.D.#1260.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of JULIA McBRE
as a citizen of the Cherokee Nation:

Applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 22d day of March, 1902, been called, and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---ooo000ooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Julia McBee as a citizen of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on September 24, 1900 Julia McBee appeared before the Commission at Vinita, Indian Territory and made personal application for enrollment as a citizen of the Cherokee Nation of Shawnee blood, and that the Commission rejected said application; that the applicant, Julia McBee, appealed therefrom to the Honorable Secretary of the Interior, who has since remanded said case to this Commission for further consideration, upon its request, and in pursuance thereof further proceedings in the matter of said application were had at Vinita, Indian Territory, October 28, 1901.

The evidence shows that the applicant, Julia McBee, is a Shawnee by blood; that she is identified on the 1871 Register of Shawnees, who came to the Cherokee Nation under the provisions of an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians on the 7th day of June, 1869 at Washington, and approved by the President on the 9th day of June of said year; that she is identified as Julia Bluejacket on said Register of 1871, having taken the latter name from her first husband; that she is not identified on any of the tribal rolls of the Cherokee Nation.

The evidence further shows that the applicant located in the Cherokee Nation in 1870 or '71 and remained therein until she removed to the Peoria Reservation; that she was a resident of said Reservation at the time of the making of this application and for about twenty years prior thereto; that she owns property therein and has also taken an allotment with the Eastern Shawnees in the Quapaw Reservation.

The 8th paragraph of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 496), provides as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It is not intended, under the provisions of said act, that a member of any tribe of Indians should take two allotments.

It is, therefore, the opinion of this Commission that the application for the enrollment of Julia McBee as a citizen of the Cherokee Nation, of Shawnee blood, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this

SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1260.

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

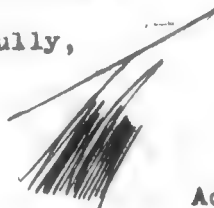
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Julia McBee for the enrollment of herself as a citizen of the Cherokee Nation by Shawnee blood.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 2.

RECEIVED
HIND L. GAY
TAMM B. B.
THE CHIEF, NEECH
C. R. D. CHIEF

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN REPLY TO THE FOLLOWING

Cherokee D 1260.

Muskogee, Indian Territory, November 11, 1902.


W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Julia McBee for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,



Acting Chairman.

D1

Decision

On
Memo
of
the
Court

9/17/02

Notice of final consideration, 3/22/02

Letter from the last Agent Quafaw

1

Cher D 1261

Cher D 1261

1. The first step is to identify the problem. This involves understanding the situation and the goals that need to be achieved. It is important to gather all relevant information and to define the problem clearly.

XVI

X

[illegible][illegible][illegible]

CONFIDENTIAL - SECURITY INFORMATION

COMM

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
PRYOR CREEK, I. T., ~~SEPTEMBER~~ 13th, 1900.

IN THE MATTER OF THE APPLICATION OF Nathaniel R. Martin, wife and step children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Nathaniel R. Martin.
Q What is your age? A Fifty four.
Q What is your Postoffice? A Pryor Creek.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or adoption? A By adoption.
Q For whom do you apply? A Myself, wife and some step children.
Q What is your wives name? A Callie Still; she was a Garshol before that.
Q Was she a Cherokee citizen by blood? A Yes sir.
Q When did you marry her? A Last year.
Q What was her name in 1880? A Garshol, I think.
Q Have you a certificate of marriage? A Yes sir.
Q What is the name of your wives father? A Bell.
Q Did he have any given name? A Yes sir; Peter.
Q Was he a citizen by blood? A No sir; a citizen by adoption.
Q What is her mothers name? A I can not tell you what.
Q You say she has some children? A Yes sir. She has two children.
Q Is she upon the roll of 1880? A I think she is.
Q What are the names of the children? A General Still.
Q How old is he? A He is five years old.
Q Any other children? A I want to enroll one of my own, by my other wife.
Q What is its name? A Benjamin Franklin Martin.
Q How old? A Five years old.
Q Where was your wife born? A In the old country maybe; Tennessee.
Q What was your wives maiden name? A Bell.
Q How old is she? A Thirty two.
(1880 Roll, Page 413, #264, Carrie Bell, Going Snake District)
Q What was her name in 1896? A Still.
(1896 Roll, Page 538, #3017, Carrie Still, Delaware District)
Q Is James Still (James L. Still) dead?
A I do not think he is.
(1896 Roll, Page 538, #3018, General Still, Delaware District)
(1896 Roll, Page 314, #643, Nathaniel R. Martin, Cooweescoowee Dst)
Q Did you apply in 1896 to the Dawes Commission for citizenship?
A Yes sir.
Q Were you admitted or rejected? A I never heard.
You were denied by this Commission: in 1896: That is final as to you.
Q Have you been married to an Indian woman since 1896? A Yes sir.
Q Where is your certificate of marriage? A There it is; we married in Benton County, Arkansas.
Q Is your wife, Callie - living? A Yes sir: She has another child; George A. Martin, born January 20th, 1899.
Q Is General Still the child of Callie Still? A Yes sir.
Q General Still, Benjamin F. Martin and George A. Martin are all the children of Callie Bell? A Two of them is. Benjamin is the child of my other wife, that I was divorced from.
Q Was she a white woman? A She was a Cherokee.
Q What was her name? A Myers, weren't married to her.
Q What was her name in 1880? A Lizzie Beckelheimer.
(1880 Roll, Page 37, #21, L. Beckelheimer, Canadian District)
Q You say she is living? A Yes sir; I suppose she is.
Q R. W. W. Hastings, Cherokee Representative:
Q You were married to this woman? A Yes sir.
Q These children were born to you while you were living with her?
A Yes sir.

Q Her children? A Yes sir.
Q Have you got the child? A Yes sir; it was decreed to me in the Court.

By the Commission: The name of Nathaniel R. Martin appears on the census roll of 1896. It appears that he applied to the Dawes Commission for citizenship, September 1st, 1896, and that his application was refused: No appeal was taken. Consequently the judgment is final. He will not be entitled to enrollment and his enrollment is refused.

The name of his wife, Callie, is found on the authenticated roll of 1880 as Carrie Bell, and she is identified as Carrie Martin, having married one Gambol, afterwards Still and afterwards one Martin, a non citizen. She has a child by her husband Still, by the name of General Still, whose name appears on the census roll of 1896. It is averred that she has one other child, named George A. Martin, by her husband, Nathaniel Martin, and a certificate of birth is filed as to that child. The applicant applies for the enrollment of his own child, Benjamin Franklin Martin, by Lizzie Beckleheimer, a Cherokee citizen by blood, and the name of Lizzie Beckleheimer appears on the authenticated roll of 1880. Consequently, the names of General Still and George A. Martin will be duly listed for enrollment as Cherokee citizens by blood. The name of Benjamin Franklin Martin, not being found on the rolls of the Cherokee Nation, will be duly listed for enrollment as a Cherokee citizen by blood, when satisfactory proof of his birth is filed with this Commission.

The said Callie Martin will be duly listed for enrollment by this Commission as a Cherokee citizen by blood, she being fully identified on the authenticated roll of 1880, and satisfactory proof having been given as to her residence.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. R. Dravens

Subscribed and sworn to before me
this 13th day of September, 1900.

C. M. Martin

COMMISSIONER.

Department of the Interior
Commission to the Five Civilized Tribes
Washington, D.C., December 20, 1900.

On the 13th of December, 1900, the Commission received from the Secretary of the Interior a letterhead memorandum of the following tenor: "The Commission is requested to determine whether or not the enrollment of the Five Civilized Tribes is complete, and if not, to determine the cause of the deficiency and to report thereon to the Secretary of the Interior." The Commission has the honor to acknowledge the receipt of this letterhead memorandum and to report that it has been referred to the appropriate committees for their consideration.

It appears from the records of the Commission that the enrollment of the Five Civilized Tribes was completed on June 10, 1899, and that the Commission has no further business to transact with the Five Civilized Tribes. The Commission has the honor to acknowledge the receipt of this letterhead memorandum and to report that it has been referred to the appropriate committees for their consideration.

Upon an examination of the records of the Commission, it was found that the enrollment of the Five Civilized Tribes was completed on June 10, 1899, and that the Commission has no further business to transact with the Five Civilized Tribes. The Commission has the honor to acknowledge the receipt of this letterhead memorandum and to report that it has been referred to the appropriate committees for their consideration.

To be filed with Cherokee case No. R- 158.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., December 20, 1901.

On review of the testimony taken in the matter of the application of Nathaniel R. Martin, Cherokee Rejected Case No. 158, September 13, 1900, for the enrollment of himself as a Cherokee by intermarriage, it is found that he was formerly married to one Callie Still, and that the said Callie Still is duly identified on the Authenticated roll of 1880 as Callie Bell. It further appears that he was married to one Lizzie Beckleheimer, a Cherokee woman, in 1896. The said Lizzie Beckleheimer is duly identified on the authenticated roll of 1880. The applicant averred that he was divorced from his former wife, Callie Still.

It appears from the records of the Commission made in accordance with the Act of Congress approved June 10, 1896, that said Nathaniel R. Martin was an applicant for admission to citizenship in the Cherokee Nation; that his application was filed on the first day of September, 1896; that the answer of the Nation was filed thereto, and his application denied at Vinita, Indian Territory, November 19, 1896. It does not appear that any appeal was taken from the decision of the Commission rendered at that time.

Upon an examination of the original papers filed at that time in Cherokee case No. 4934, it is found that said Nathaniel R. Martin made application for admission to citizenship in the Cherokee Nation as a citizen by blood. The application which he made September 13, 1900, to be enrolled as a citizen by intermarriage, was rejected by the Commission for the reason that he was an applicant for admission to citizenship in 1896, and that his application was denied. By reason of the fact that he was denied enrollment in 1896 as a claimant by blood, and as he now claims to be entitled to enrollment as a citizen by intermarriage, it is directed that Cherokee Rejected Case No. 158 be cancelled, and that the name of the said Nathaniel R. Martin be transferred to a doubtful card, awaiting further consideration by the Commission. The applicant should be required to file with the Commission satisfactory proof as to his marriage to his former wife, Lizzie Myers, under Cherokee law; also satisfactory proof as to his divorce from her. In addition to this, he should be required to file proof as to his marriage to his last wife, Callie Still.



Commissioner.

plete transcript of the stenographic notes thereof.

proceedings in this case, and that the foregoing is a true and correct copy of the Commission to the Five Civilized Tribes, I correct and recorded by me, W. Hutchinson, do hereby certify that as stenographer to

upon the evidence now of record.----- and will be reported to the Commission for final decision passed, Cherokee Nation present submit the case, same is deemed completed,

The agent for the applicant and the representative of the

wholly upon the record.
irrelevant and inadmissible in this case, and that we have our claim

now. To which the agent for the applicant objects as being totally

when he was denied in 1886 that was final, and he cannot be heard
that he was state all of his grounds in his application; and that
being rejected came in and apply again upon the same grounds, but
that that is final, and that a man cannot apply one time, and after
citizen of the Cherokee Nation; and the Cherokee Nation contends
this man applied to the Commission in 1886 and was rejected as a
the United States court at Tahlequah. Second, for the reason that
complaint filed by her in a suit instituted by him against her in
first, because his wife was given a divorce from him on a cross
not to be enrolled as a citizen of the Cherokee Nation;

MR. HASTINGS: The Cherokee Nation contends that his wife ought

married man of the Cherokee Nation.

last, does not set aside the judgment of the court, and in fact
last on, he does not under the law of the Cherokee tribe and policies
his intermarriage the second time with a citizen of the Cherokee
his divorce from the former wife, and as a Cherokee citizen, and by

MR. BLEDSOE: The agent for the applicant and as first on to

6 Born during that marriage, A Yes sir.

A She has one and one of the children

6 Only to a division of the property, A Yes sir, and the children
A We agreed to a division of the property.

6 You know that you own, A Get a divorce by agreement in the United

6 This in the United States court, A Yes sir.

6 This paper does not show it, A That is correct.

A Yes sir, by agreement.

cross complaint.
filed here, and it shows that the divorce was given her upon her

MR. HASTINGS: There has been a copy of the decree of divorce

6 Are you living together as man and wife, A Yes sir.

6 Is she a recognized Indian, Cherokee Indian, A Yes sir.

6 Have you got a marriage license on file, A Yes sir.

6 Who did you marry the last time, A I married Willie Still.

6 Have you married since, A Yes sir.

6 Has she married since

A That was the cause of the trouble.

6 The only cause was the simple matter of location,
and at last agreed to divide the children and property,
cross bill, and we had worked along with it for a considerable time

R.

C. D-1261.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Nathaniel R. Martin for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

I. P. Bledso, agent for applicant.

W. W. Hastings, attorney for Cherokee Nation.

The applicant in this case was notified by registered letter March 3, 1902, that this application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 22nd day of March, 1902. The applicant this day, to-wit: the 22nd day of March, 1902, appears in person and by his agent, I. P. Bledso.

NATHANIEL R. MARTIN, being first duly sworn, and being examined testified as follows:

MR. BLEDSO: What is your name? A Nathaniel R. Martin.

Q How old are you? A Fifty-six years old.

Q Where do you live? A At Leach, Cherokee Nation.

Q How long have you lived in the Cherokee Nation?

A Ever since 1890.

Q You are a white man, I suppose? A I am so recognized.

Q You married a Cherokee woman? A Yes sir.

Q Who was your first wife?

A Her maiden name was ~~Eliza Beckleheimer~~. Lizzie Beckleheimer. Her name was Myers when I married her.

Q Had she ever been married before you married her? A Yes sir, twice.

Q Did she have a divorce, or was her husband dead?

A Had a divorce.

Q Had you been married before you married her? A Yes sir.

Q Was your wife dead, or did you get a divorce? A Dead.

Q Married according to the Cherokee law.

A Yes sir, had a Cherokee license, and a United States license too. Her name was Myers when I married her. You will find her marriage certificate there, and her maiden name was Beckleheimer.

Q Where is that woman now? A At Tahlequah.

Q Still living? A Yes sir.

Q You are not living together as man and wife? A No sir.

Q Did you and her separate? A Yes sir.

Q Get a divorce? A Yes sir.

Q What was the cause of that separation?

A She became uncontrollable. She just wanted to live down where she lived. I worried with her for over a year to leave there, and when I got her to leave she come up on the river after I had made a contract that I would build and plead with her to move up there. I got her up there and she stayed until the Old Settler payment, and then she refused to come back, and didn't come back.

Q She refused to come and live with you? A Yes, sir.

Q What did you do then?

A When I saw her I tried to get her to come back, and she would not come back, and said that if I ever lived with her, she would not live up there. That is the way of it. And I had children by my first wife, girl children, some little ones, and she would not

keep them, and I had to keep two houses, a house up there on the farm, and a house down here, and it made it very unpleasant to me.

Q So you got a divorce? Who got the divorce?

A The divorce was an agreement divorce between me and her that we could not agree at all. I had sued her for divorce, she had filed a cross bill, and we had worried along with it for a considerable time, and at last agreed to divide the children and property.

Q The only cause was the simple matter of location?

A That was the cause of the trouble.

Q Has she married since?

A She married in less than two weeks after the divorce.

Q Have you married since? A Yes sir.

Q Who did you marry the last time? A I married Callie Still.

Q Have you got a marriage license on file? A Yes sir.

Q Is she a recognized Indian, Cherokee Indian? A Yes sir.

Q Are you living together as man and wife? A Yes sir.

MR. HASTINGS: There has been a copy of this decree of divorce filed here, and it shows that the divorce was given her upon her cross complaint.

A Yes sir, by agreement.

Q This paper does not show it? A That is the fact.

Q This in the United States court? A Yes sir.

Q You know that you can't get a divorce by agreement in the United States court, don't you?

A We agreed to a division of the property.

Q Only to a division of the property? A Yes sir, and the children

MR. BLEDSOE: Has she got part of the children?

A She has one and one.

Q Born during that marriage? A Yes sir.

MR. BLEDSOE: The agent for the applicant states that prior to his divorce from the former wife he was a Cherokee citizen, and by his intermarriage the second time with a citizen of the Cherokee Nation, he does not under the law of the Cherokee tribal authorities that does not set aside or disbar him from citizenship as an inter-married man of the Cherokee Nation.

MR. HASTINGS: The Cherokee Nation contends that this man ought not to be enrolled as a citizen of the Cherokee Nation: First, because his wife was given a divorce from him on a cross complaint filed by her in a suit instituted by him against her in the United States court at Tahlequah. Second, for the reason that this man applied to the commission in 1896 and was rejected as a citizen of the Cherokee Nation; and the Cherokee Nation contends that that is final, and that a man cannot apply one time, and after being rejected come in and apply again upon the same grounds, but that he must state all of his grounds in his application; and that when he was denied in 1896 that was final, and he cannot be heard now.

MR. B. To which the agent for the applicant objects as being totally irrelevant and inapplicable in the case, and that we base our claim wholly upon the record.

The agent for the applicant and the representative of the Cherokee Nation present submit the case, same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 27, 1902.

In the matter of the application of Nathaniel R. Martin for enrollment as a citizen by intermarriage of the Cherokee nation.

Nathaniel R. Martin being first duly sworn testified as follows:

- Q What is your name? A Nathaniel R. Martin.
- Q How old are you? A Fifty-seven.
- Q What is your postoffice address? A My postoffice is Leach. I enrolled at Prior Creek.
- Q Are you the same Nathaniel R. Martin who has made application heretofore as an intermarried citizen? A Yes sir.
- Q What is your wife's name? A Callie.
- Q Is she living? A Yes sir.
- Q Is she a Cherokee by blood? A Yes sir.
- Q When were you married to your wife Callie? A I was married the 17th of August, 1899 I think.
- Q 1899 or 1889? A 1899.
- Q That is three years ago? A Yes sir.
- Q Were you ever married before you were married to that wife? A Yes.
- Q How many times before? A Three times.
- Q She is your fourth wife? A Yes sir.
- Q What was your first wife's name? A Eliza E. Penny.
- Q Was your first wife Eliza a white woman or a Cherokee? A She was a white woman.
- Q Was she living or dead when you married your second wife? A She was dead.
- Q What was your second wife's name? A Her name was Mary E. Nelson.
- Q Was she a white woman or a Cherokee? A She was a Cherokee, but she was not recognized in the nation. She was an eastern Cherokee, but not recognized here and not on the rolls.
- Q Was she living or dead when you married your third wife? A Dead.
- Q What was your third wife's name? A Her name was Lizzie Beckelhamer.
- Q Was she a Cherokee or a white woman? A Cherokee.
- Q A recognized Cherokee by blood? A Yes sir.
- Q Were you married to her under a Cherokee license? A Yes, under Cherokee license and United States license too.
- Q What year were you married to her? A May 13, 1895.
- Q Have you filed your Cherokee license with the Commission? A Yes.
- Q And your two former wives were both dead when you married this Cherokee woman? A Yes sir.
- Q You are sure of that? A Yes, one of them died in the Territory, and the other in Arkansas.
- Q Both died before 1895? A Yes sir.
- Q And this third wife was a Cherokee by blood? A Yes sir.
- Q And how long did you and she live together? A We pretended to live together for about four years.
- Q Then did you separate for good? A Yes sir.
- Q What year did you separate in? A I may say we was hardly together more than six or eight months during all the time; she lived at Tahlequah and I lived on Grand River, and we could not agree as to where we would live and we finally agreed to separate by agreement, and divided up.
- Q When did you finally separate by agreement? A We finally agreed to separate in the spring of 1899.
- Q Did you make a written agreement? A Yes, it is filed before the Commission.
- Q Where were you living when you and she finally agreed to separate?
- A I was living on Grand River in the Cherokee nation and she was living in Tahlequah.
- Q How far were you living from her at the time you finally agreed to separate? A About 35 or 40 miles.
- Q You say the cause was because she would not go up to live on the farm?

- A Yes sir.
- Q She wanted to live in town, and you wanted to live on the farm? A Yes.
- Q And you could not compromise and get a farm half way? A No, I tried every way to compromise with her in ever respect, but I couldn't.
- Q You didn't have any other falling out only that disagreement as to where you should live? A No, we fussed and disputed a little, but there was nothing to it.
- Q After you separated from this wife did you get a divorce from her?
- A We agreed on the divorce, and the written agreement shows that. The written contract shows that I sued her for a divorce and she filed a cross bill and we agreed. I didn't appear against her; I let her have the divorce on the cross bill.
- Q What court? A United States Court.
- Q Where? A At Tahlequah.
- Q So the divorce matter was commenced by you and she answered and filled a cross bill and obtained the divorce? A Yes, she claimed property.
- Q The divorce was granted on her cross bill? A It was by my consent, by not putting in no answer.
- Q Was it in 1899 you say she got the divorce? A I think it was.
- Q How long after the divorce before you married again? A The divorce was granted April 15, 1899 and I married in July, I think it was; July or August; I believe it was August.
- Q What is your present wife's name? A Callie.
- Q You are living together now? A Yes sir.
- Q Is she a Cherokee by blood? A Yes sir.
- Q These two last wives of yours are the only two Cherokee women you have married? A They are the only two recognized Cherokee women.
- Q You was not married to Callie under a Cherokee license? A I was married to her in the state of Arkansas under Arkansas license, after they stopped issuing licenses in the Cherokee nation to the Cherokees. We lived close to the line in Going Snake and we went and was married in Benton county, Arkansas.
- Q Has your otherwife married since she was divorced? A Yes, she married in two weeks. She wanted loose to get married.
- Q You wanted loose to get married too? You married pretty quick too, didn't you? A Yes. She wanted a man that would live with her in town.
- Q Mr. Martin, how long have you lived in the Cherokee nation? A I have lived in the Cherokee nation since 1890.
- Q All the time since 1890 up to the present time? A Yes sir.
- Q You have never lived out of the Cherokee nation since 1890? A No.

Examination by Mr. Starr-Cherokee representative.

- Q What was the name of your first wife? A Eliza E. Penny.
- Q Did you live with her until she died? A Yes sir.
- Q Where were you living when she died? A In Searcy county, Arkansas.
- Q What town? A No town.
- Q What was your postoffice? A Calf creek.
- Q Did you live with your second wife until she died? A Yes sir.
- Q Where were you living when she died? A I was living on Grand River in the Cherokee nation; living there on the farm on the river.
- Q Did she die there? A Yes sir.
- Q What was the name of your third wife's husband? A I think its--I know his name well but I can't get hold of it looks like--Albert Green.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Subscribed and sworn to before me this November 4, 1902.

Francis R. Lane
B. Jones
Notary Public.

to the commission to the five divided times as correctly recorded
the testimony and proceedings in this case, and that the foregoing
is a true and correct transcript of his stenographic notes thereof.

[Handwritten signature]

Subscribed and sworn to before me this 15th day of December, 1900.

[Handwritten signature]
Notary Public.

DEC 15 1900

Cherokee 1881.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 11, 1902.

In the matter of the application of Nathaniel R. Martin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

John R. Leech, being sworn and examined by the Commission, testified as follows:

Q What is your name? A John R. Leech.

Q How old are you, Mr. Leech? A I am forty years old, the 20th of last June.

Q What is your postoffice address? A Leech.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By blood? A Yes sir.

Q Are you acquainted with Nathaniel R. Martin who is an applicant for enrollment as an intermarried citizen of the Cherokee Nation?

A Yes sir, I know him.

Q How long have you known him? A I have known him I suppose about four or five years, or six or seven somewhere along there, I don't know exactly. I saw him once or twice before I got personally acquainted with him.

Q Did you know his former wife, Lizzie Martin? A Yes sir.

Q Formerly Leech? A Yes sir.

Q Whose maiden name was Beckelheimer? A Yes sir.

Q How long had you known her? A Ever since we were children together; we were raised close together.

Q What relation, if any, did she bear to you at any time? A Why, she used to be my wife; her and I were married on New Year's day in 1881.

Q She was your wife prior to her marriage to, Mr. Martin, was she?

A I think I heard she had been married once after we separated and was divorced before she married Mr. Martin.

Q She was married to you before she married Martin? A Yes sir.

Q Well now, Mr. Leech, how long did you and this woman live together as husband and wife? A Some four or five years, somewhere along there, I can't tell the exact time, it has been so long ago.

Q You were separated and divorced from her? A Yes sir, the divorce has been filed with the Commission.

Q After your separation and divorce she after that married Mr. Martin? A Yes sir. I heard she married another man before she married him, but I don't know anything about that.

Q What was the cause of your and her separation? A She was in such a disposition I couldn't live with her; I don't know what about Mr. Martin.

Q What was her character there in the neighborhood? A Her character at the time of our separation was good. We were young and quarrelsome and just separated.

Q Did you ever see her after she and Martin were married? A Yes sir.

Q Did you ever have a conversation with her after that, after her and Martin were married? A Not until right lately, not until after they separated; not until after the first of November I never had a conversation with her.

Q The first of this last November? A Yes sir.

Q Did you have any conversation with her with reference to her and Mr. Martin's relations? A Why, yes, we were talking about it.

2-Nathaniel R. Martin-

How the talk come up, Mr. Martin had me summoned down here. She had two girls there and I asked her who was the father of the children: I asked her if Miles was the father of the first one, she first married, and she said No; and I asked her who was the father and she wouldn't tell me; then I asked her who is the father of this second child, is Mr. Martin the father of that child. She said, No, he wasn't the father of that second child. I asked her who was the father and she said she wouldn't tell me; she said nobody knew and she wouldn't tell, but that Martin wasn't the father of her.

Q Was that second child that you asked her about born to her while she and Mr. Martin were living together? A I don't know anything about that.

Q Do you know what that child's name is? A I heard her call it, but I can't remember it. I never talked to her but twice, that was in November and once last week. I don't remember the child's name at all.

Q Do you know anything about her conduct during the time she and Mr. Martin lived together at all? A No sir, nothing whatever.

The applicant offers in evidence a certificate of E. M. Landrum, Recorder of the Town of Tahlequah, Indian Territory. The same is filed herewith, subject to any objection which the Cherokee Nation may desire to make to it.

Nathaniel R. Martin, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Nathaniel R. Martin.

Q You are the applicant in this case are you? A Yes sir.

Q Is there some further statement that you desire to make at this time with reference to your application? A Well, nothing only I stated to you before that we couldn't agree was the great trouble. I want to explain to you the cause why we couldn't agree.

Q Make your statement there? A I couldn't get her to agree to anything that I wanted of a right nature. She would have dances when I would be away from home and she kept parties about the house that was disrespectful and that caused the trouble and that she acknowledged. She went away from me and stayed away eleven months before this Ola R. was born and it is not my child. She acknowledged that it weren't of me, and it weren't; she was gone eleven months before it was born.

Q Is Ola R., the child of which the witness, Mr. Leech, spoke of a while ago in his testimony? A Yes sir, that is the child.

Q It goes by your name? A Yes sir, it goes by my name, but I am not the father of it. I wish to introduce this to show that it weren't my fault of the separation, and at the separation I had sued her for divorce and she filed a cross-bill for the purpose of trying to get some of my property, and I agreed to let her have a certain amount of it and let her keep that child because I didn't want it, and her to give me the other child and certain property, and I was to remain a citizen and not be molested in citizenship, and that was the grounds I based my claims upon in that agreement, and if they tried to raise anything to uncitizenize me I want to show that I was entitled to the divorce.

Q That matter was all covered in your testimony when you were here in October? A Yes sir.

Q Is that all the evidence you have? A That is all I wish to submit.

3-Nathaniel R. Martin-

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Schuberger

Subscribed and sworn to before me this 18th day of December, 1902.

B. O. Jones
Notary Public.

FILED
MAY 14 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., May 1, 1904.

In the matter of the application of NATHANIEL R. MARTIN
for enrollment as a citizen by intermarriage of the Cherokee Nation.

Applicant appears in person:
Cherokee Nation represented by W. W. Hastings:

LIZZIE GREEN, being first duly sworn and examined testified as follows:

By Mr. Hastings: What is your name? A Lizzie Green.

Q What is your age? A I am about forty years old.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q You live here in the town of Tahlequah, now? A Yes sir.

Q Were you the former wife of Nathaniel R. Martin? A Yes sir.

Q When were you married to him? A I believe it was in '95.

Q How long did you live with him? A I can't remember the dates.

Q Well, about how long did you live with him as husband and wife, a year---two years or three years? A I think it was a year. I don't know just exactly.

Q Where did you live with him? A I lived with him here in the town of Tahlequah and a while down on Grande River.

Q You afterwards separated, did you? A Yes sir.

Q Was there any divorce between you? A Yes sir.

Q Who procured the divorce? A Me.

Q In what Court? A In the United States Court.

Q At what place? A Here in Tahlequah.

Q Do you remember about when that was? A No, I don't; I can't remember the date.

Q Well, that was after you separated, wasn't it? A Yes sir.

Q You had a trial before the Master and gave testimony, did you? A Yes sir.

Q And the divorce was granted you? A Yes sir.

Q Where were you living when you all separated? A Living down on Grande River.

Q Had you any children by this man, (pointing to Martin)? A Yes sir.

Q How many did you have? A I had one when I left.

Q What was his treatment of you when you were living with him as man and wife? A Well he would quarrel with me and one night he got up and took me by the throat as if to choke me and scared me nearly to death; I thought he was going to kill me.

Q Did he quarrel with you frequently? A Yes sir, almost every time he came about the place. He left me at Grande River while he was living here in town.

Q At long intervals? A He would be gone a week at a time.

Q Did he leave you supplies while he was gone? A He failed to pay for my wood while he was gone and only provided a little fat meat and some bread for me.

Q Was he at home when your child was born? A No sir.

Q Did he provide you with medical attention at that time? A No sir.

Q Who waited on you? A My neighbors did. I got up and went around and hunted my help myself.

Q Well, was this quarreling with you and his treatment of you the occasion of your separation? A Yes sir.

Q Was he ever taken up in the courts because of his treatment of you? A Yes sir, he burned up some of my clothes and they brought him down to the Court and he was fined for it and he paid his fine. I was going to witness against him and the marshal stopped me from going on to witness against him at the court.

Q You say he burned up some of your clothes one night? A Yes sir.

Q Did he do it on purpose? A Yes sir, he did.

Q Was he enraged---was he mad? A Yes sir, he got up out of bed and went to the dresser drawer and took out some of my clothes and burned it up and then he got dressed and went away and stayed all night.

Q What did he say he did it for? A He didn't say, he went away and stayed all night.

Mr. Hastings, on behalf of Cherokee Nation: We now offer in evidence a certified copy of the records of the Mayor's office of the town of Tahlequah, Indian Territory, of November 21, 1895, showing that N. R. Martin plead guilty to disturbing the peace and was fined \$3.00 and costs, a total of \$12.00.

BY THE COMMISSION: There being no objections the docket will be filed and considered as a part of the record in the case.

Mr. Hastings: You say that he burned up your clothes and was fined for it? A Yes sir.

Q Well, what was the reason of that? what caused him to do that?

A He was quarreling with me, and he went to bed and I was rocking my baby to sleep and he wanted me to come to bed and I didn't want to go then and he got made and jumped up out of bed and went to the drawer and took out my clothes and burned it up. He didn't say a word to me but he went away and I went to Mr. Guinn's and stayed all night. Sometimes he quarreled with me all night long.

Q You say he frequently quarreled with you all night? A Yes sir.

Q Was your home so that you could stay there and be companionable? A No sir.

Q Where were you living when you separated? A On Grande River.

Q Well, now, after you left Tahlequah and went up to Grande River to live, did he keep up this same treatment of you up there? A Yes sir. He wanted me to pay him \$6.00 a month for my little girl's board; said if I didn't he wouldn't let her stay there; said that I could put my little girl some place else.

Q That was a child of yours by a former husband? A Yes sir.

Q You say she was about six years old then? A No sir, she was two years old when I married him.

Q Did you come back here from up there? A Yes sir.

Q Was this treatment of you that you have related in your testimony the cause that forced you to leave him? A Yes sir.

Q He brought the suit against you for divorce didn't he? A Yes sir.

Q And it was granted you on a cross complaint? A Yes sir.

Q Did you say that you had to buy your own wood the times when he would be away from you? A Yes sir, I did.

Q Do you think he was away from you at frequent intervals? A Yes sir, he was away a good deal of the time.

Q And while he was with you he was cross and quarrelsome and disagreeable? A Yes sir.

Q You say he took you by the throat as if to choke you once? A Yes sir.

Q Did he actually strike you in the face this one time? A Yes sir.

Q Now, Mrs. Green, isn't it a fact that he talked about you over the country? A Yes sir.

Q Isn't it a fact that he assailed your chastity? A Yes sir.

Q That was while he was living with you? A Yes sir.

Q Is it, or not, a fact that he made some allegations of that kind in his cause for complaint against you? A Yes sir, he did.

Q You were frequently thus talked about to the neighbors in the community? A Yes sir.

Q He failed to establish the charges in the divorce suit and the decree was granted you, is that correct? A Yes sir.

Mr. Hastings, on behalf of the Cherokee Nation: I will say here that we intend to offer these papers in reference to this suit, and everything in connection therewith and ask that they be considered. We ask for ten days within which to file certified copies of all the papers on file in the Court in connection with this divorce suit hereinbefore referred to.

BY THE COMMISSION: The time asked for will be allowed.

J. T. Parks, attorney for applicant: You spoke of a child, in your direct testimony, of a child being born to you while Martin was absent, where was this child born? A Here in Tahlequah at my home.

Q Did he leave you mad or had he just gone off on some ordinary business? A I don't know whether he was mad or not; he was gone on Grande River.

Q How long until he returned? A I don't know just how long it was.

Q One, two, three, four, five, six or seven days? A Six or seven days as well as I can remember.

Q How did he go? A I don't remember whether he went in a wagon or horse-back.

Q Do you remember how he came back? A No sir, I was in bed then.

Q Did this occur before you moved to Grande River with him?

A Yes sir.

Q You lived with him on Grande River after the baby was born?

A Yes sir.

Q How long? A About one or two months; I don't remember just exactly.

Q At what place was it you alleged he burned these clothes? A In my home here in Tahlequah.

Q Was that before you moved to Grande River with him? A Yes sir.

Q You lived with him on Grande River after this as his wife?

~~A Yes sir, after my baby was born and I think that was before.~~

Q When did you get back down here from Grande River? A About one or two months after I went there.

Q How did you get back? A He brought me back.

Q For what purpose did you tell him you wanted to come back? A I had to come here to get some money due me, but I had told him that I would never come back again to Grande River if he wanted me to pay for my child's board; he wanted me to pay him \$6.00 a month.

Q Were you not fined in the United States Court for illegal habitation with another man? A No sir, I was not.

Q Well, perhaps it was for a different cause---for keeping a house of ill fame? A No sir; that man (pointing to N. R. Martin) had a warrant sworn out for me and had me brought down there to this Court and that was his excuse for a divorce and I was not fined. Because I had a postmaster boarding at my house who he (referring to Martin) was not acquainted with.

Q Didn't you serve time in the Muskogee Jail? A No sir, I didn't. I wasn't even tried for that.

Q Well you said a while ago that you went to Muskogee? A Yes sir, I went there. They said I was living in adultery with a postmaster that was living at my house.

Q Now, wasn't information filed against you here in town for maintaining a house of ill fame? A No sir, I wasn't fined for that or I wasn't even tried for it.

Q You didn't plead guilty to this charge? A No sir.

Q Didn't you pay a fine? A No sir.

Q Didn't go to jail? A No sir, they turned me loose.

Q What jail was it? A The jail at Muskogee.

Q After you returned from Grande River here did he try to get you to go back with him? A Yes sir, after he tried to get me fined and sent to the pen he tried to get me to come back then.

Q How much clothes did he burn for you? A He burned an undervest.

Q Isn't it a fact that he bought that undervest for you and brought it up there and then put it in the fire before he gave it to you?

A He brought it up there and put it in the bureau drawer and that night he put it in the stove.

Q You planned to treat him in such a way as to get him to abandon you? A No sir, I didn't.

Q Did you always treat him good? A I always treated him as well as I knew how; stayed at home and did the house work, and----

By J. T. Parks, attorney for applicant: Mr. Martin has heretofore filed a certified copy of paper from the office of the Mayor of the incorporated town of Tahlequah, showing that Lizzie Martin, nee Leach nee Green was fined in the Mayor's court in the town of Tahlequah for maintaining a disorderly house: such action is dated in the incorporated town of Tahlequah, December 8, 1902.

By Mr. Hastings: You and your man were separated in '97 were you not? A Yes sir, as well as I remember, '95 or---between '95 and '97.

Q You were separated in '96? A (No response).

By Mr. Hastings: Comes now the Cherokee Nation and objects to the introduction of considerable of this testimony for the reasons:

First-----That it does not purport to be a copy of any record of the Mayor's office of the town of Tahlequah, but purports only to be a copy of a conclusion and is, therefore, inadmissible.

Second-----That this record purports to be a copy of an act alleged to have been committed by Lizzie Martin after her separation from her husband and was, therefore, not the cause of it.

By Mr. Hastings: Q Were you ever arraigned in Court as alleged by this man, (refers to Martin)? No sir.

Q Did you ever pay a fine of \$10.00 as this action shows? A No sir.

Q Were you ever fined in any court? A No sir.

Q You say this man (pointing to Martin) caused you to be arrested two or three times? A Yes sir.

- Q While he was living with you as your husband? A After I came home and then left him was when he had me arrested.
- Q Before you were divorced? A Yes sir.
- Q Were you divorced before or after you went to Muskogee? A After.
- Q Divorced after? A Yes sir.
- Q Did he try to prove himself or take some one with him before the Master in Chancery the charge in the proceedings? A Yes sir, he brought a man that I was not acquainted with at all and some one told me that he gave him \$10.00 to come down here and file against me.
- Q Did he have you arrested by the town authorities? A He had me arrested, he had a writ got out for me before the Commissioner.
- Q You don't know the names of those courts? A No sir.
- Q And he brought a suit against you and you filed a cross complaint and testimony was heard, is that right? A Yes sir.
- Q And the divorce was granted you, isn't that a fact? A Yes sir.
- Q And you swear that you have no knowledge of being fined this \$10.00? A No sir.
- Q Do you know you were fined? A No sir, I didn't.

Mr. J. T. Parks, attorney for applicant:

- Q Aint it a fact that you obtained this divorce upon an agreement with Mr. Martin instead of going before the Master and that you and him signed an agreement and that the divorce was granted upon this agreement to you? A Well-----
- Q Now there aint no reason why you can't answer that straight, there's nothing hard about it, its light as day? A I don't know nothing about the light and the dark part and all that, but I don know he compromised and gave me his place down on Grande River and--
- Q But wait a minute; didn't you and him sign an agreement? A We agreed to compromise.
- Q Well, didn't you obtain the divorce upon a compromise between you? A Yes sir, we did.

By Mr. Hastings:

- Q Wasn't there any testimony taken in that case before the Master? A Yes sir.
- Q And was the divorce granted upon the testimony taken before the Master? A Yes sir, it was.

By J. T. Parks: Nathaniel R. Martin, by his attorney, presents an agreement signed by Lizzie J. Martin and N. R. Martin in the matter of the divorce herein referred to wherein it is said Lizzie Martin agrees to withdraw her complaint against N. R. Martin for divorce charging him with cruelty on the condition that the property and the children be divided and that the divorce was granted upon the complaint; not by the proceedings as given in by the witness.

Mr. Hastings: The statement of the attorney representing N. R. Martin is objected to by the attorneys for the Cherokee Nation for the reason that the contents of the papers filed are erroneously stated and not correctly quoted from and, for the further reason that no divorce whatever can, by agreement or consent, be granted in the United States Court in the Indian Territory.

BY THE COMMISSION: The ^{document} docket is already on file in the case.

BY THE COMMISSION: When did you actually separate? can you give the year and month? A I can't give the month, but I think I was

living at Manard in '96 with my uncle.

Q Were you living together then? A No sir, we were separated in '96 and it may have been before that.

Q Were you living together at the time that he burned these clothes of yours? A Yes sir.

Q Well have---had you separated before that? A Before he burned my clothes; no sir.

Q You were living together then? A Yes sir.

Q And how long after that was it you separated? A Well, I don't remember how long it was just exactly.

Q What was the immediate cause of the separation? A Well, those abuses, treating me like he did, and he wanted me to pay for my child's board, wanted me to pay \$6.00 a month for her, and when I was confined and wanted him to get some one for me he wouldn't do it and I had to get up and go after the neighbors myself and then after that I had to pay for my help.

Q Well, was there any particular thing that caused the separation or was it all that together? A Yes sir, it was all that together.

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WILLIS ALLEN, being first duly sworn and examined, testified as follows:

By Mr. Hastings:

Q Your name is Willis Allen? A Yes sir.

Q You live here in Tahlequah? A Yes sir.

Q Do you know Nathaniel R. Martin? A Yes sir.

Q Did you know his wife? A Yes sir.

Q Did you live near them when they lived in Tahlequah? A Yes sir.

Q Do you know anything about his frequent absences from their home?

A Why, yes sir, he was absent quite a good deal of the time.

Q Do you know of being (his) absent at the time the child was born to them? A Yes sir.

Q Do you know who had to wait upon her during her confinement?

A Old lady Hartness. I was living just across the street and we had just sat down to supper when she (referring to Lizzie Green) came over and called my mother out and asked her to send one of us boys after the doctor, and my mother came in and told us and I went after Dr. Blake; he wasn't at home and couldn't be found any place so I went down there and got this old lady Hartness to go up there and wait on her.

Q Do you know how long it was after that he came home? A No sir, I don't.

Q Was he frequently absent from home? A He seemed to be going backwards and forwards most of the time. I would see him going back to his place on the river.

By Mr. Parks:

Q Do you know what N. R. Martin brought back with him when he came that time? A Why, it seems to me that he brought something to eat; some honey or something of the kind.

Q Did he bring back a load of turkeys? A Well, I declare, I won't be positive of that: I think he brought some honey back, but I won't be positive of what he did bring back, but it seems like he brought some honey---it has been a long time ago.

OCTAVIA HARTNESS, being first duly sworn and examined, testified as follows:

By Mr. Hastings:

- Q What is your name? A Octavia Hartness.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Where do you live? A I live in the north end of Tahlequah.
Q How long have you lived there? A I have lived there about eight years.
Q Were you living up there when Martin, (Nathaniel R.) and his wife Lizzie lived up there? A Yes sir.
Q How far did you live from them? A Not very far; I could see the house.
Q Do you remember the fact of her confinement? A Yes sir.
Q Did you wait upon her? A Yes sir.
Q Was Mr. Martin present at that time? A No sir.
Q Do you know where he was? A No sir, I don't know where he was.
Q Do you know how long he was absent at that time? A No sir, I couldn't tell.
Q You were living a block or two away from the house? A Just a block, I think.
Q The town was not regularly surveyed at that time? A No sir.

By Mr. Parks:

- Q Do you know when Mr. Martin came back after the child was born?
A No sir.
Q Did Mr. Martin pay you for the service you rendered his wife?
A I don't remember, but I think he gave me an order on another man and when I went to him (the other man) he would not pay it so I took it back to Lizzie and she paid it.
Q Did he pay you partly in money and part on this order? A I don't remember whether he did or not. I remember the order well, and remember I took it back to Lizzie.
Q Was he at home when you took it back? A No sir.
Q How did it come you didn't take it back to him? A Well I don't know, I just took it to Lizzie.
Q You don't remember whether he paid you any money? A No sir, I don't remember---it might have been; but I remember the order well and of her paying me the balance, whatever hit was.

By Mr. Hastings:

- Q Do you know whether he was frequently away from home or not?
A Yes sir, I think he was.

BY THE COMMISSION:

- Q What condition did you find things in the house, did they seem to be provided for? A I don't know, I couldn't tell, I only took care of her and I wasn't there at meal time---was only there during the day. I took care of the baby and was backwards and forwards. I think she had one bed, but as far as eatables I don't know anything about that.

J. L. GUINN, being first duly sworn and examined, testified as follows:

By Mr. Hastings:

- Q What is your name? A J. L. Guinn.
Q What is your post office address? A Tahlequah.

Q How old are you? A Forty-six years old.
Q Do you know N. R. Martin, the applicant here? A Yes sir.
Q You also know his former wife, now Lizzie Green? A Yes sir.
Q Did you know them when they lived together as husband and wife here in the town of Tahlequah? A Yes sir.
Q How far did you live from them when they lived here in town?
A Why, I suppose it is about 250 or 300 yards; straight through I suppose it is about 250 yards.
Q Well, you both lived in the northern part of the town of Tahlequah? A Yes sir.
Q Do you know of his being arrested for his mistreatment of his wife? A Yes sir.

By Mr. Parks: I object to the question, because there is nothing to show of his having mistreated his wife.

(No answer made by either Mr. Hastings or Commission).

By Mr. Hastings:

Q What do you know about it? A Well, how come me to find out about it, his wife came to my house about ten o'clock one night with her night clothes on. I asked her what was the matter and she said she was afraid Mr. Martin was going to hurt her and she said she was afraid he might kill her; said he had burned up some of her clothes up. She wanted me to go up town and get Eli Wofford, the marshall, and get him to come out and get her husband, so I put on my clothes and came up town and found him and brough him back and we went to the house and he brought Mr. Martin up town.
Q Do you know whether he was fined for that? A Yes sir, there was a fine assessed on him; he left a horse to stand good for the fine, said he wanted the money.
Q You say the woman was crying when she came to your house? A Yes sir, she was crying; that was in the night.
Q Do you know of other occasions of her complaining of his treatment of her while they were living together that time? A Oh, yes, several times, she would frequently come to my brothers' of a night, so he said, and she told me so herself. She said she was afraid of a night for she didn't know what he might do and she would ask my children or his to go stay with her of a night.
Q Do you know anything about the circumstances of her being confined during his absence? A Yes sir, she was confined once while he was away from home. He was at a place on Grande River; that is what they told me. I wasn't there myself, but Miss Hartness, that waited on her, said he wasn't there.
Q Well was there some talk of that at the time, the fact that he was away? A Yes sir.
Q Did you hear of any other mistreatments towards her during her confinement? A She tole me right immediately after that that he was up there and-----me and my wife-----and she said that Mr. Martin had come and taken the bed, or feather bed, from under her while she was confined and had moved it up to Grande River---something to that effect and had left her on the mattress.
Q You heard these complaints at the time they were living up there?
A Well, I wasn't there all the time.
Q Was he away a considerable part of the time? A Yes sir, he would go away to the place on Grande River.
Q Do you know she came to get members of your family and your brother's family frequently to go stay over night with her? A Yes sir.

Q She alleged as a reason, did she, that she was afraid of him?
A Yes sir.

By Mr. Parks:

Q All this statement you made you just heard; you don't know it yourself? A I know a good deal of it. I was there several times myself and heard some of this racket.

Q Which racket? A Their quarrels.

Q Do you know what they were about? A It was about some meat one time that he had brought down from Grande River and he didn't leave it there at their home.

Q Where did he take it? A I don't know where he took it.

Q You have just heard statements that he took it off? A I saw him coming down town with it in a wagon and he had some honey.

Q Did you see it in a wagon? A Yes sir.

Q Did he pass by your house? A No, but I saw him going.

Q You don't know whether he took it back home or not? A No sir.

Q You don't know it yourself! Then you are just telling what you heard? A Yes sir.

BY THE COMMISSION:

Q How much of it was there, a big wagon load or just a small quantity? A There was two or ~~x~~ three sides.

By Mr. Parks:

Q How much honey was there---a wagon load? A No, just some in a bucket.

Q You don't know whether he took it back home? A No sir, he was trying to seal it.

Q Do you know whether or not she moved up on Grande River with him or not? A No sir, I don't. I don't know whether this happened before or afterwards.

Q She moved up there in what year---how many years ago? A I don't know.

Q Was it 5, 10, 15 years? A It was 8 or 9 years; it was something like that.

Q How come you to remember all these facts and don't remember that?

A I know he mistreated her. The records of the Mayor's office will show when he burned up this woman's clother.

Q You don't know that he burned these clothes yourself, do you?

A I saw the ashes, yes.

Q But you don't know it; you never saw them burned did you? A No sir.

Q You couldn't swear those ashes were from burned clothes or not, could you? A No sir.

Q You don't know when this was, do you? A I don't know the dates of it. The records of the Mayor's office will show the date.

Q But you don't know it? A No sir, but where a family causes as much confusion as his did and all their goings on you couldn't help from remembering most of the circumstances.

Q Do you know who caused this trouble? A He did.

Q You are just stating what you heard? A Some of it I heard and some of it I know myself; I know she would come to my house, this woman, and lots of times took something to eat home with her, simply because he wouldn't provide for her like he ought to.

Q Would any other of your neighbors come to your house and get something to eat? A Not to carry it home with them, no sir.

Q Did she pay for it? A No sir.
Q Was this before or after they moved to Grade River? A No, I couldn't say as to that.
Q You never liked Martin did you? A Yes I did, I was the only friend he had.
Q But it is a fact, isn't it, that you volunteered to arrest him?
A No sir, Eli Wofford arrested him.
Q Well, you went after this man Wofford, this officer of the law?
A Yes sir, I did. She came to my house and asked me to get some one to take him away and I went after him.
Q Who else was there when you went after him? A No one that I saw. When she come back from Grande River up there she was in the house no time till she said she was never going back there. She said she was afraid of being killed up there the way he treated her.
Q Did she tell you that? A Yes sir.
Q How did you and her come to be so intimate? A Because my wife was her sister. And she said she wanted to come before she did, but he wouldn't let her, and she said she had to come to get her strip money or settlers money and that she wasn't going back when she got here.
Q And you took an interest in this case because of the relationship between her and your wife? A No sir, I don't suppose I did. If your wife, or anybody's ~~xx~~ elses wife came to my house in the night and wanted me to get an officer to keep you from mistreating and threatenin' your wife, don't you suppose I'd go? Yes sir I would.
Q Well, you give that as a reason? A Yes sir, I give that as a reason; I didn't run to the outsiders and tell them.
Q Well how do you know about her not being permitted to come back from Grande River? A I hadn't heard of her not being ablt to get back from down there until she got back.
Q Do you know whether Martin lived with his wife after she came back down here to draw her settler money? A I don't think she did. I know Mr. Martin came to my house while she was there and tried to get her to go back with him to the house and she told me she wouldn't go back with him and Mr. Martin will not deny that; that he came to my house and called me out.
Q Did she ever go back with him to Grande River? A I couldn't say. I know she went back afterwards after some things and she had a little baby when she went back, but when she got back here she didn't have it and when I asked her where it was she said that Mr. Martin and his son had her and they had a fight somewheres in the woods and he taken the baby and give it to his sone and he run off with it.
Q Was she scared up when she came back? A No sir.
Q Was it a fist fight or a fight with guns. I don't know, I wasn't there.
Q She didn't seem to be disfigured when she came back? A No, I don't suppose she was hurt much more than losing the child.
Q This place in town, to whom did it belong? A To this woman.
Q Who owned the place on Grande River? A I couldn't tell you.
They both claim it. I understand that it belongs to the child; that they gave it to the child, but that is just reports.

JOHN GUINN, being first duly sworn and examined, testified as follows:

By Mr. Hastings:

- Q What is your name? A John Guinn.
- Q Where do you live? A About eight miles west of here on the creek.
- Q Where did you live about 1895 or '6? A I lived in Tahlequah here.
- Q Do you know the applicant, N. R. Martin? A Yes sir.
- Q Did you know his wife at that time, who was Lizzie Martin? A Yes sir.
- Q How far did you live from them when they were living together as husband and wife in the north part of the town of Tahlequah? A I lived about one hundred and twenty yards or one hundred and twenty-five yards from their house.
- Q That was in the extreme northern part of town? A Yes sir, in the north part of town.
- Q Good deal of vacant land in that part of town at that time, was there not? A Yes sir.
- Q Did you hear of any very---of any family disturbances between Martin and his wife? were any complaints made when they were living together up there at that time? A Yes sir.
- Q Well would you hear of it frequently? A Pretty often.
- Q Well how would you hear it and what would you hear? A Well, Mrs. Martin she would come down and once she told me and my wife about how Mr. Martin would abuse her and of how she was afraid of him. One evening she came down and got me to come up and stay all night at her home; said she was afraid he would kill her and I went up there and stayed and after that she sent and got my little boy to stay and then she would come down to my house and stay all night. She was afraid of him all the time; said that he had come in and burned up a lot of her clothes and cut up terrible there.
- Q You say that she came down to your house sometimes and stayed all night, claiming she was afraid to stay up there where he was? A Yes sir.
- Q And she also come there and got your children to stay for her protection? A Yes sir.
- Q Did you know of the circumstances of his being fined for mistreatment of her? did you hear of that? A Yes sir.

By Mr. Parks:

- Q Was Martin at home or absent when you went up and stayed all night with her? A I think he was up on Grande River, or started up there or maybe he was in town.
- Q He wasn't up there? A No, he had been there; he was there that day.
- Q He wasn't there that night? A No sir.
- Q Was he there when your children went up and stayed all night with her? A I couldn't tell you that.
- Q How big was your biggest child? A Ten or twelve years old.
- Q Were these children large enough to prevent Martin doing her any injury if he desired to do so? A No I guess not.
- Q You don't know whether he was there when the children went up? A No sir.
- Q You know he was not there when you went up that night? A No sir, he wasn't there then. He had been there but he had gone away.
- Q Did he come back next morning? A I couldn't tell you.

By Mr. Hastings:

Q I thought you said she come to get you because she was afraid of Martin and to get your children for the same reason? A Well, that is what I said.

Q Well, did she expect him to come there when she asked for your protection? A Yes sir, she got me to go to protect her, so she said; said Martin had burned up her clothes and made threats, and---

Q But when you got there Martin wasn't at home, and you don't know whether Martin came back that night or not? A No sir, I didn't.

Q You don't know whether he was or was not at home? A No.

BY THE COMMISSION:

Q Was that the day---the night he burned up the clothes that you stayed there? A I believe it was that evening or maybe that night. It has been so long ago I can't say for certain; I can't remember. It was before I went up there.

Q Immediately before, right at that time? A I think it was. To the best of my knowledge it was that evening before I went up that night.

Q Was it late at night you went up? A No just about dark.

Q He wasn't at home all night that night? A Not that I know of.

By Mr. Hastings:

Q You got no distinct recollection of the night it was? A No sir.

Q But you do know the circumstances of her coming after you?

A Yes sir.

By Mr. Parks:

Q Do you know whether Mr. Martin went to Grande River that day or not? A No, I don't; I couldn't say.

Q Did you see him about town the next day after you stayed at her house all night? Was he here or about the country here? A I couldn't say for certain.

Q How long was it after that you saw him? A After he burned them clothes?

Q After you stayed all night there? A Why, it seems to me I seen him the next day. I believe he came by on his way going up that way.

Q Did anybody come there that night to stay there? A No one that I recollect of.

Q Lafayette Guinn did not come there that night did he? A No sir, I don't remember of it.

Q Did Eli Wofford come up there that night? A Why, it seems to me---it seems like a dream---it seems like Mrs. Martin sent for Eli Wofford, but I couldn't tell you whether it was that night or the night after, but it seems like she came down town and got an officer to go up there.

Q Do you know about that personally? A No I couldn't be positive of it, but I remember her saying that she was going to have an officer up there or going to get one.

Q Did this occur before she went up on Grande River with him?

A Yes sir, I think it did.

Q Has she been married since that separation? A Yes sir.

Q Married before, too? A Yes sir.

Q Do you know whether or not those husbands are living or not?

A Well, no, not the last one. I can't say whether he is living or not.

Q They neither died before they (Martin and his wife, Lizzie) separated, did they? A No sir.

SUSIE GUINN, being first duly sworn and examined, testified as follows:

By Mr. Hastings:

Q What is your name, please? A Susie Guinn.

Q You are the wife of John Guinn, who just left the stand? A Yes sir.

Q You are acquainted with the applicant, N. R. Martin? A Yes sir.

Q You knew his former wife, who was then Lizzie Martin? A Yes sir.

Q Were you living with your husband in the north end of town near these people when they lived there in 1895 or '96? A Yes sir.

Q Did you, from any source, at that time, hear of any mistreatment of Mrs. Martin by her husband, N. R. Martin? A Yes sir, his wife would tell me how he mistreated her.

Q Did she tell you at that time? A Yes sir.

Q Do you know whether or not she was afraid of him? A I think she was.

Q Did she say so? A Yes sir, she said she was and her actions showed that she was.

Q From what actions did you judge she was afraid of him? A Well, she wanted some one to stay with her and when they would not stay with her she came down to our house and said she was afraid he would just kill her.

Q Did this occur frequently? A Yes sir.

Q Would some of your children go up there and stay all night with her at times? A Yes sir, some of the boys would go.

Q She at times came to your house and stayed all night? A Yes sir, very often.

Q Would she say she was afraid of Martin and give that as an excuse? A Yes sir.

By Mr. Parks:

Q Was Martin at home when she would have some one come up and stay all night? A I don't know.

Q Was Martin at home when she came to your house to stay all night? A I don't know. I have forgotten nearly everything about it.

By Mr. Hastings:

Q Well, how could she be afraid of him and him away? A Well, she was afraid he would slip in.

By Mr. Parks:

Q You don't know that? A No sir.

By Mr. Hastings:

Q Is that what she said at that time? A Yes sir, she said she was afraid of him slipping in.

By Mr. Parks:

Q Could these children prevented him from burning the house or killing her if he so desired? A No, but they could have run and told some one.

Q You don't know whether he or she was to blame for these family disturbances? A Of course I can't tell who was to blame.

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BY THE COMMISSION: This case will be continued until Tuesday, May 3, 1904, at nine o'clock.

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Tuesday, May 3, 1904.

Applicant appears in person, represented by I. P. Bledsoe: Cherokee Nation represented by W. W. Hastings:

N. R. Martin, being first duly sworn by I. P. Bledsoe, a Notary Public for the Northern District, testified as follows:

By Mr. Bledsoe:

Q What is your name? A My name is Nathaniel R. Martin.

Q Where do you live? A I live in Saline District as used to be, which is now Pryor Creek District.

Q How old are you? A I am fifty-seven years old.

Q Are you married? A Yes sir.

Q What is your present wife's name? A Callie Martin.

Q Are you a white man? A Yes sir, said to be; an intermarried citizen.

Q Your present wife is a Cherokee citizen? A Yes sir.

Q By blood? A Yes sir.

Q Were you ever married before you were married to your present wife? A Yes sir.

Q Who to? A This woman here (referring to Lizzie Green, nee Martin).

Q What is her name? A Lizzie Green, now.

Q What was her name before you married her? A Lizzie Miles.

Q Were you and her married according to Cherokee Law? A Yes sir, strictly.

Q When? A On the thirteenth day of May, 1895.

Q Were you and her separated before you married your present wife? A Yes sir.

Q Did you get a divorce? A It was this way, it was granted on an agreement; I don't know whether there was a divorce granted me or her, but there was an agreement between her and me on which the decree might be granted.

Q Where was it granted? A In the United States Court here in Tahlequah.

Q In what year? A In 1899.

Q You know the allegations that were set forth in the decree for divorce? A I know what she put against me in the court.

Q State that. Be as brief as possible.

A The agreement there between me and her was: I had sued her for a divorce case and she had filed a cross bill and me and her was called or she called me to the office of her attorney for to see if we couldn't compromise this matter and me and her went and she asked me to go, and I will say that. I sat in there a few minutes after

we got to the office and the lawyer had a talk with me putting questions to me.

By Mr. Hastings: I am going to object to all he said. I can't see where all this is relevant as to this agreement, etc.

(Objection afterwards withdrawn).

Mr. Bledsoe continuing:

Q Did you ever mistreat this woman? A No sir, I don't think I did; she calls it mistreatment, but I don't.

Q What was the cause of your separation? A Well, the cause of my not living with this woman was because she went away from me and lived with another man.

Q What was this other man's name? A Tom Devere.

Q Where does that man live? A I couldn't tell you that, he left the country when she was indicted.

Q She was indicted, was she? A Yes sir, for living in adultery.

Q You always provided well for this woman? A Yes sir, as good as I could.

By Mr. Hastings:

Q You had this woman and Tom Devere indicted, did you? A No sir, how could I?

Q Wasn't you a witness before the Grand Jury? A No sir.

Q Who did appear before the Grand Jury? A I don't know, how do I know.

Q Don't you know you went before the Grand Jury? A No sir, I don't.

Q Didn't you have some witnesses that went before the Grand Jury at your instance and testify to the jury against this woman and Tom Devere? A No sir.

Q You didn't try to get any witnesses? A No, that wasn't my business.

Q Were they indicted before or after you quit living with her?

A They was indicted after I quit living with her.

Q How long? A Why, a year or so.

Q Then that was not the cause of your separation? A That was the cause of my not living with her still on after I got her back home.

Q Well, was she living with you, I mean with this man at the time you and she separated? A No sir.

Q Well, that wasn't the cause of your separation was it? A That was the cause of my not living with her.

Q Why? A The reason was, I couldn't live with her while she was living with him.

Q Am I to understand that she went to living with that man after you separated? A Didn't I tell you that?

Q After that? A Yes sir.

Q How long? A I couldn't tell you how long, but it was two or three months; two months, I guess.

Q Had she been living with him before you separated from her? A I don't know whether she had been living with him before or not.

Q Then you didn't charge her with living with him before that? A No sir.

Q Did you charge her with having lived with this Tom Devere before you and she separated? A No sir, I didn't.

Q Then it was after you separated that you charged her with living with this fellow, Tom Devere? A Yes sir, certainly, after I found it out.

Q Oh pshaw! Answer my question; say yes or no. Was it after you separated from this woman, your former wife, Lizzie Martin, that you had her arrested on a charge of living in adultery with Tom Devere? A Yes sir.

Q You then, never charged her with living with him before that, is that right? A No sir, I didn't charge her with something she wasn't guilty of.

Q That isn't what I asked you; you know it aint! Now answer my question. A Well, what was your question?

Q Did you charge this woman with living with Tom Devere before you all had separated? A No sir.

Q Are you positive of that? A Yes sir, I am, certainly I am.

Q How long after you and she separated was it she lived with this man? A I can't say exactly.

Q Well, did you ever live with her after that? A No sir.

Q How long had you been separated before you charged her with having lived with this man? A Why, it was a good deal over a year before there was anything brought in the courts for a divorce.

Q Well, you know, if you've got any sense at all, that that wasn't the question. I'm getting tired of hearing you beat around the bush in answering a question. Now give me a definite answer to this question: how long was it after you had separated from this woman before you brought a charge against her for living in adultery with this man, Tom Devere? A Well,-----

Q Now answer that? A It was after the child was born. I came up and stayed with her and-----

Q I want you to give me some definite time; you know that was not what I asked you, you down answer---you don't even try to answer my question.

A Well, what was it you asked me, then?

Q You know what I asked you. I asked you how long a time it was after you and she separated that you brought a charge against her. You could have said one month, two months, three months, or a year, two years, three years! I want some definite time? A Well, it was about a year. It was in March, in March, '95, in '97. When the child was born that was when I had my suspicions first---that was when I found it out.

Q But you didn't know about it at the time of the separation, did you? A No sir.

Q They took some testimony in your divorce case when you brought a suit, didn't they? A I don't know, I---

Q Well, did they take testimony, you know that? A I don't know, that's straight.

Q Don't you know that you can't get a divorce in the United States Court by agreement? A Her lawyer told me----

Q Well, do you know that? A No, I didn't know it.

Q Well, the divorce was granted her, wasn't it? A The records says so.

Q You say yes or no? A Well----

Q You never got it, it wasn't granted you, was it? A No sir.

Q You filed your suit for divorce after you brought this criminal action against her, didn't you? A My recollection was it was, it was right before this---it was before that criminal suit---well, it was right before or right after, I wouldn't be positive about it.

Q She never was convicted, was she? A Well, now, that is not the question!

Q It was the question I just got through asking you? A Well, that aint the right question.

Q Answer what I asked you: she was never convicted of having lived in adultery? A In the United States Court?

Q Yes sir, in the United States Court? A No, sir, not of that charge.

Q And it was after this alleged intimacy that she had with Tom Devere that you brought the suit for divorce? A Why, of course it was after that.

BY THE COMMISSION:

Q Now, Mr. Martin, tell us what was the cause of the separation? A Well, the first thing is what caused the separation----I don't know how to answer it the way you ask it.

Q What made you and your wife not live together? A I didn't live with her because she lived with this other man.

Q But you say that was a year after you separated---you were not living together were you? A No sir.

Q Did she leave home? A Yes sir.

Q Did she give you any reason? A She said there was too much work for her to do.

Q You were living on Grande River? A Yes sir.

Q How long had you lived there? A Ever since we were married.

Q How big a farm was it? A It was a small farm when we went out there first, but its a pretty big one now; about seventy-five acres in cultivation and has three houses on it.

Q Have you any children? A Yes sir.

Q Did you have children at that time? A I had children before we was married.

Q Were they living at home? A I had five living at home; had two by one wife and three by another.

Q And you say your wife gave as a reason for leaving you that she had too much work to do? A Yes sir.

Q Did you provide for her comfort? A I did the best I could.

Q Did you have any trouble before that? A Yes sir, right smart of trouble before we went up on the farm.

Q What? Well, one thing, I would want to sleep with her when we were living on the River and she wouldn't want me to and would run off.

Q She was living in town and you were living on the farm? A Yes, sir.

Q And you say she would not go back? A That was before we went to live on the farm.

Q And you had trouble before you went to the farm? A Yes sir.

Q You had no trouble on the farm, did you? A No sir.

Q How long did you live there? A About one month or two.

Q Did she have much work to do? A No sir, she had but very little work; just a little cooking. I had two grown girls to do the other

work.

Q Did she ever complain of the work? A No sir, not until after she came away.

Q Well, did you offer to get some one to help her out with it?

A I seen her after that and she complained about the work and said if I would get some one to do the work she would come back and boss.

Q You brought suit for divorce because she was living with this other man and also brought a criminal charge against her? A I don't know how to answer the way you ask it.

Q I am asking you what you charged her with in your bill for divorce? A Well, what was the question?

Q I am asking you what you charged her with in your bill for divorce? A When I applied for the divorce, well, I charged her with abandonment, and, when she filed a cross bill I charged her with what she was guilty of.

Q What was that? A I charged her with adultery.

Q Was that after she signed an agreement? A That was after the agreement, yes sir, and she filed a cross bill.

BY MR. BLEDSOE:

Q Mr. Martin, did you ever suspect her of anything wrong prior to the Tom Devere Scrape? A Yes sir.

Q State what that was? A Well, the first thing I ever had any suspicion of of her not being right was like this. She run off and would stay with me one night because I wanted her to come to bed. She was sitting up with the baby and I complained about it and I asked her to come on again and she says she will come directly but still kept lingering. I wanted her to come on to bed; I wanted to hug her. I asked her two or three times to come on to bed, but she wouldn't do it, and after a while I saw her get up and I told her I was going to get up and told her if she didn't think more than that of me I was going 'hom; I got mad, and I told her that and when I started she said "I wouldn't do that", and when I got out a little piece there she shut the door and I watched out there in the dark and pretty soon she came out and went to one of the neighbors and I went back to the house and got my mule and then came out and took off my overcoat and laid down on the porch. Along about ten or eleven o'clock in the night I heard some one call, and they jarred the door (imitating here several times of how it sounded); they jarred it two times again and then they jarred it again (again imitating) before they spoke and the next thing they called her name right out and of course she didn't answer because she wasn't there to answer and then they jarred the door again and called her name again and she still didn't answer. I guess they knew something was wrong by her not answering, and so they started around the house, and just then saw my mule and then he run and jumped over the fence and run off. Of course I wouldn't know who it was, but I had an idea and I told her about it and she knows I did and I said to her, I said: "I want you to leave with me, I want you to be a lady." I wanted to bring her to the farm to live.

By Mr. Hastings:

Q When was this? A That was before the boy was born.

Q Well, how long? A Well, it was in the summer.

Q A month, two months, three months; give me something; give me a certain time, that is what I am after? A Well, it is only guess work.

Q About how long? A Well, that was along in the summer, about June Or July, along there, she never went up to the river until April.

BY THE COMMISSION:

Q That was the only thing you saw out of the way? A That was the

only thing out of the way down there---I mean down here, but I saw something up there but I didn't say anything about it.

Q Was that before or after this occasion you spoke of? A Why, this was after. This first occurrence was her in Tahlequah and the other was up on the river.

Q Well, was that any part of the separation? A Why, it was part of my part; it was suspicion of her not being right.

By Mr. Hastings:

Q That was no cause of your separation at all. You didn't separate because of anything that happened up there? A Well, there is a whole lot of things that makes a man want to quit. Of course I hoped she'd come back.

By Mr. Bledsoe:

Q From the actions and circumstances that surround the case after you left her and she went on the river did you believe that she was living in adultery with another man? A (No response).

By Mr. Hastings: I object to the question and believe it should be stricken from the record for there are no grounds for passing such a belief in the testimony for all this occurred prior to the separation.

BY THE COMMISSION: The objection will be noted.

BY THE COMMISSION:

Q You say that your wife quit you, didn't you? A I said she went away, of course.

Q Well, wasn't that quitting you? A Well, she went away and didn't come back.

Q Was that through any fault of yours? A No sir.

Q You provided for her properly? A Yes sir, I did.

Q You were always affectionate? A Yes sir, I was. Why there was never a woman in the world that I thought more of, that I thought as much of, and it hurts my heart to this day to think of all this, and it makes the blood come to my face. You don't know how I loved this woman, and I love her yet; yes sir, I love her to this day and I would----

By Mr. Hastings:

Q Why do you think it necessary to bring up all the matters that occurred after your separation? A Why do I?

Q Yes, these things were not the cause of your separation, why do you testify of them now? A Well, the old things come up and cause a man to say----

Q I don't want to hear all this again.

Q Did she ever offer to come back and live with you? A She said she would if I would hire some one to do the work.

Q What did you say? A I said I don't need no bosses around my place.

Q Did you ever ask her to come back? A Yes sir, many a time before I found this out.

Q Did you ask her after that? A I asked her this way: I said:

would you be willing to take a hold and do things right and behave yourself and be a lady from this time on provided so and so would happen, but there couldn't be no restrictions pu on her at all.

Q She refused to come back? A Yes sir.

Q You were willing to take her back? A Yes sir, I wanted her to come back if she loved me.

By Mr. Bledsoe:

Q You say you were willing to have her come back? A Yes sir, if she would do what was right, yes sir, I wanted her to come back, I loved her that much and I love her now and she knows I love her----

By Mr. Hastings:

Q You loved her so dearly that it almost breaks your very heart strings and blighted your home future; everything was as dark as midnight you loved her so dearly, but still you was not willing to employ anybody to do any of the house work in order that the person that you loved so dearly would come back and do part of your work and live with you, this woman you loved so dearly, you wouldn't do that much for her! Can you say yes or no to that? The gist of it was that you was not willing to employ some one to do even a part of the work in order to get her back? A It wasn't necessary. I had two grown daughters to do the biggest and hardest part of the work.

TENNY GWARTNEY, being first duly sworn and examined

By Mr. Bledsoe: testified as follows:

Q What is your name? A Tenny Gwartney.

Q How old are you? A Twenty-two.

Q Where do you live? A Bryan's Chappel.

Q You know Mr. Martin here? A Yes sir.

Q You know this woman here(refers to Lizzie Martin formerly, now Lizzie Green)? A Yes sir.

Q Were you living with Mr. Martin and his wife when they were living on the river? A Yes sir.

Q Do you know how he treated his wife while there? A Yes sir.

Q Did you ever hear him mistreat her? A No sir.

Q Did he supply her with clothes and plenty to eat? A Yes sir.

Q Did you live with them here in the town of Tahlequah? A Yes sir.

Q Did he provide for her while they was here? A Yes sir.

By Mr. Hastings:

Q You are Martin's daughter? A Yes sir.

Q Were you living with them all the time they were living here in the town of Tahlequah? A Yes sir.

Q Were you living with them the night he burned up some of her clothes and when they took him to town and arrested him? A I don't remember.

Q Then you were not living with them all the time? A I reckon so.

Q When were you married? A I have been married seven years.

Q Seven years? A Yes sir.

Q You were married in '97? A Yes sir.

Q You married after they separated? A Yes sir.

Q Did you stay at home all this time while they lived here in town here in Tahlequah? A Yes sir, I stayed with them.

Q All the time, I mean; did you live with them all the time they lived in the town of Tahlequah? A Why, I went home once.
Q Where was your home? A Grande River.
Q Who did you live with up there? A I lived with my father and my brothers and my sisters.
Q I thought this man (pointing to N. R. Martin) was your father?
A He is.
Q Well, when Martin lived with Lizzie Green here in Tahlequah, did you live with them all the time they lived here? A Yes sir, I did.
Q All the time? A Didn't I?
Q Well, you are on the stand and under oath? A I think I did.
Q How long did you live with them here in town? A About six or eight weeks, I think I lived with them.
Q Did you have any other home except their home? A Well, the place on Grande River.
Q And you stayed up there part of the time and down here part of the time, is that the way of it? A Yes sir.

By Mr. Bledsoe:

Q You considered this your home while they were here? A Yes sir.
Q You considered their home your home all the time up to your marriage? A Yes sir.
Q And when you went up on Grande River you took the baby with you, didn't you? A Yes sir.

By Mr. Hastings:

Q Do you mean to say you took Lizzie Martin's baby? A No sir, I didn't take her baby.
Q Whose baby was it? A It was my father's.
Q Oh, by another wife! How old was it? A It was two years old.
Q You took it up on Grande River did you? A Yes sir.
Q Was that before he and his wife went up on Grande River? A I don't remember.
Q Well, use your best judgment? A I don't remember how long it was; about three or four months, I reckon.
Q Well, did you stay up there all the time and they down here in Tahlequah? A Yes sir.
Q I thought you testified you were here living with them all the while---then you were not here, were you; what do you think about that? A I don't know.
Q Then you were not here, you are mistaken about being here, are you? A Maybe I am.

BY THE COMMISSION:

Q Were you living up there on Grande River at the time Mrs. Martin left? A Yes sir, I was at home on Grande River.
Q She never came back up there, did she? A No sir.
Q Did her husband bring her down? A Yes sir.
Q Did she say she was coming back? A I don't remember.
Q You didn't know whether she was coming back or not? A No sir, I didn't.
Q How long did she live up there with her husband? A About a month, I reckon.
Q Got along pretty well, did they? A Yes sir.
Q Quarrel any? A Not that I remember of.
Q Don't remember of it? A No sir.

Q Did you ever hear her complain of the work being too hard up there? A No sir.

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LIZZIE GREEN, nee Martin, recalled for further testimony, being first duly sworn and examined, testified as follows:

BY MR. HASTINGS:

I offer now the proceedings had in the divorce case of N. R. Martin vs. Lizzie Martin referred to in the testimony and evidence.

BY THE COMMISSION:

There being no objection the ^{document} ~~duplicate~~ will be properly filed.

By Mr. Hastings:

Q Your name is Lizzie Green? A Yes sir.
Q You were on the stand the other day in this case? A Yes sir.
Q This man, N. R. Martin, is your former husband? A Yes sir.
Q You gave some testimony the other day to the effect that you were afraid of him? A Yes sir.
Q Were you afraid to live with him? A Yes sir.
Q Did you frequently leave home because of that fear? A Yes sir.
Q You testified in the presence of others that you frequently sent for some one to stay with you of a night? A Yes sir.
Q Was he kind and good to you as a husband? A No sir.
Q Did he ever choke you? A Yes sir, one night he came in and commenced quarreling at me about somethings the neighbors said about me and I said I didn't want to listen for I said you tell me so much like that, and he kept on quarreling until after we went to bed. He was still talking about it to me and I said I wish you would let me go to sleep, I am tired listening to what the neighbors say about me and he jumped up and got me by the throat and he said you will hear what they say and when I could I got up and walked with the baby until daylight. My brother was in the other room.
Q Was he quarreling with you a constant thing? A Yes sir, and several times after that he made such violent threats that my life was a perfect misery to me.
Q Were you afraid that he was going to do you a violence? A Yes sir, he pointed his finger at me and said he would kill me and that he would then kill himself if I lived with another man.
Q You were afraid of him, then? A Yes sir.
Q Did you know his daughter that just left the stand? A Yes sir.
Q Did she ever live with you? A Yes sir, one month while we lived in Tahlequah and when we was at Grande River she lived with us there.
Q She lived at your house very little when you lived in Tahlequah? A Just one month.
Q All of these things that this man (Martin) alleges about your intimacy with other men occurred long after your separation and was not a part of it or a cause of it? A No sir, it was not.
Q He brought the suit against you, did he? A Yes sir.
Q You filed a cross complaint? A Yes sir.
Q Was it your understanding---did they take some testimony before the Master in this case? A Yes sir.

Q Was it your understanding that the agreement touched only the division of your property interests? A Yes sir.

Q Was Mary Spears a witness in your behalf before the Master? A Yes sir.

Q She lives in Osage Nation now? A Yes sir.

Q Did she live with you a part of the time of which you testify?

A Yes sir, she did. She was living with me the night this man (Martin) burned up my clothes.

Q Were you ever arrested and taken before the Mayor's Office and filed as he intimates in a certificate here? A No sir.

Q Was it some girls that came to your house that were fined?

A Yes sir.

Q You were not one of them? A No sir.

Q You swear that here most positively? A Yes sir.

Q Even that occurrence was long after your separation, was it? A Yes sir, a long time after it.

Q None of these things which this man testified of, or few of them, occurred before your separation? A No sir.

Q Both of these alleged arrests, both in the Federal Court and in the Mayor's Court that he claims you were arrested were after your separation? A Yes sir, long afterwards.

Q The case was dismissed against you in the United States Court? A Yes sir.

Q And you swear now that you were not arrested, nor, as far as you know, were not fined in the Mayor's Court? A No sir.

Q If any fine was assessed against you it was in the name of these other parties and it was paid without your knowledge? A Yes sir.

Q And even that was long after your separation? A Yes sir.

Q And was not the cause of it? A No sir.

Q You heard Mr. J. L. Guinn's testimony here the other day didn't you? A Yes sir.

Q His statements about your fear of your husband were true were they? A Yes sir.

Q You also heard the testimony of Mr. John Guinn, didn't you? A Yes sir.

Q Was or was he not mistaken when he testified about your husband being absent when you sent for neighbors to stay with you? A He was mistaken.

Q It was a number of years ago and he did not remember? A Yes sir.

Q You sent for neighbors to protect you against any violence and to make an alarm in case he attempted violence against you? A Yes sir.

Q Well, you have mentioned a great many threats me made and some acts of violence and other mistreatments of you. Was it the aggregation of all these that made your life unbearable so that you could not live with him? A Yes sir.

Q And it was because of all of these things in the aggregate that caused you to live apart from him? A Yes sir.

Q Do you think you could have stood it longer to have lived with this man? A No sir, I don't.

Q Did you separated from him because of some work about the place? A No sir, I didn't.

Q That was not the cause of your separation? A No sir.

Q You did the house work about the place when you lived with him? A Yes sir, I did the most of it myself.

Q Did you complain of the work? A No sir, I didn't.

Q It was, then, not the work but his ill treatment of you and your fears of him that caused the separation? A Yes sir.

Q Is there anything else you desire to state?

A Well, at one time while we was living here in Tahlequah, while my little two year old girl was lying at the point of death, he went away up on Grande River and left me there alone to take care of her and to do all of my house work and she was under treatment by Dr. Blake and he would not pay the bill and would not stay up with me any and I had to give her her medicine and do the house work and he would not offer me any help and I, or if I got any he made me pay for it myself, and I did pay for it myself.

BY THE COMMISSION:

Q Where were you living then? A North Tahlequah.

Q How did he provide for you? A He brought down some things from his home on Grande River when we were married and let them stay at my house about one month. He had five children of his, and after those things had stayed at my house about a month he moved his things back to Grande River, all but one feather bed, and left me with what I had when I married him and when I was sick he came down and took this feather bed from under me and took it home and that caused my baby to have the croup several times and my child was only two weeks old. He left me and my little child lying there on nothing but a mattress. He would tell the neighbors that he intended to starve me out and would drive me to grande river to live; that he didn't intend to provide for me while I lived in Tahlequah.

Q That was after you went to Grande River? A No, before I went there and when He would come down he would only stay two or three days and perhaps a week and bring enough provisions to last while he stayed and wouldn't seem to care whether I had any while he was gone.

Q Why didn't you want to go to River (Grande)? A I was afraid of him.

Q But you finally went up there? A Yes sir, he did starve me out until I went.

Q Did you ever tell him that the reason you quit him was because he had too much work on the farm? A No sir, I didn't.

Q Did you ever complain about the work? A No sir.

Q Did you ever tell him why you quit him? A Yes sir, about a time he quarreled with me about making me pay for my little girl's board and when I went away I wouldn't come back as he said I would have to pay \$6.00 a month for her board. And while I was living with him he had five or six men to come and play cards all night and keep us awake and on Sundays he had five or six men there, what he called a crowd of men, and playing cards and the girls would have two or three beaus; there was two grown girls, and they didn't do nothing but take up all their time talking to their beaus.

By Mr. Bledsoe:

Q You are a Cherokee Indian by blood are you not? A Yes sir.

Q You state here that it was through fear of his mistreating you that caused you to leave him? A Yes sir.

Q Now don't you know that it is a characteristic of a Cherokee Indian not to be afraid of anything? A No sir, and I know I am afraid of this man (looking at Martin).

Q Well, you are the first Indian woman that I ever heard acknowledge it. When did you say he choked you? A I can't say what year

it was. It was while I was living in Tahlequah.

Q You don't know what year, or what day? A In '95 or '96.

Q Did he choke you very hard? A He hurt my throat.

Q Now you say he would not properly provide for you? A No sir.

Q Didn't he give you plenty of meat and bread; how often would you get that? A Why, three times a day.

Q You always had plenty of clothes to cover your hide, didn't you? A (No response).

Q Your children had plenty, didn't they? A I only had one.

Q Well, you were afraid of him because he wore britches? A I was afraid of him because of his mistreatment and threats.

Q You heard his daughter's statements about his treatment of you?

A They were untrue.

Q Can you state a definite one that was untrue? A Well, it was untrue about him not treating me bad.

Q It is often the case that a man and his wife have these little family jars, you and he never had more than that? A Yes sir, he would quarrel at me all night sometimes. There wasn't no little jars about it.

Q And he choked you a little once, you say? A Yes he did.

Q But your statement in the decree of divorce that he would not provide for you is untrue according to your own statements now. You stated that while you was living with him he would not furnish any meat and bread and failed to clothe you. Now, were you ever arrested, Mrs. Green? A Yes sir, once.

Q When was that? A That was a long time after my separation from old man Martin.

Q What were you arrested for? A This old man Martin had me arrested. He had some people who were mad at me and had me arrested and charged me with living in adultery with a man that boarded at our house.

Q What was his name? A Tom Devere.

Q Who? A Tom Devere.

By Mr. Hastings:

Q Was that long after your separation and was it before this divorce suit? A Yes sir.

Q And was not a part of your separation or a cause of it? A No sir.

By Mr. Bledsoe:

Q Didn't you all have an agreement to separate? didn't you and Mr. Martin agree to separate? A No sir.

Q Did he leave you or did you leave him? A I left him.

Q You left him and came down here? A Yes sir.

Q Did he ever ask you to come back? A No sir.

Q Who got the divorce? A I did.

Q You were married under the Cherokee laws? A I suppose so.

Q Who was that man that was living with you, that boarder? A Tom Devere.

Q Is he this same cattle man that lives at Melvin? A I don't know.

Q How long did he board with you? A Sometimes two and sometimes three weeks.

Q Is he here now? A I don't know where he is.

Q And you were arrested for living in adultery with him? A Yes sir.

By Mr. Hastings:

Q Were you convicted upon that charge? A No sir, I wasn't convicted.

Q Dismissed was it? A Yes sir.

By Mr. Bledsoe:

Q Were you indicted by the court here or do you know? A I don't know.

Q Were you ever taken before the Mayor? A No sir.

Q You don't know whether there is any certificate in the Mayor's Office against you or not? A No sir.

Q You say it was some of your kin-folks who made this charge against you? A It was some of my enemies.

Q Your neighbors did not think very well about you, then? A I had a little falling out with them and one of them was a woman I put out because she wouldn't pay her board bill.

Q Have you been married again? A Yes sir.

Q Are you living with your present husband? A No sir, he ain't here. I hear from him all the time, though.


Q Did you ever tell any one else before you left Mr. Martin that as soon as you left him you were going to marry another man? A No sir, I didn't. I never knew then that I would ever get married again. No sir, I didn't tell any one that.

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I, George R. Smith, being first duly sworn, state, as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and correct transcript of my stenographic notes taken in the above entitled cause and that I accurately reported the same.



Subscribed and sworn to before me this 9 day of May, 1904.



Notary Public.

-----MARRIAGE LICENSE-----

Cherokee Nation, Tahlequah District.

TO ANY PERSON LEGALLY AUTHORIZED--GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Nathaniel R. Martin, a citizen of the United States, and Lizzie J. Miles, a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration

(Seal)
(Tahlequah District)
(
Justice)
(
Cherokee Nation)

of such marriage, with a certificate of the same appended thereto and signed by you.
Given under my hand and Seal of Office, this the 11th day of May 1895.

T. W. Triplet

Clerk Tahlequah District.

S. M. Crocker, M.G.

Credentials on record at South McAlester, I.T., Book A.

This is to certify that I did on the 13th day of May solemnize the rites of matrimony between Nathaniel R. Martin and Miss Lizzie J. Miles, a Cherokee.

S. M. Crocker, M.G.

I hereby certify that I have this day recorded the above marriage certificate of N. R. Martin and Lizzie J. Miles in the Record of Marriages in the Office of Dist. Clerk.

Arch Spears,

Deputy Clerk, Tah. Dist., C.N.

I, the undersigned, a stenographer in the Commission To The Five Civilized Tribes, do hereby certify that the foregoing is a true and correct copy of an original copy on file in the office of the Commission.

Isabel F. Maxwell

Marriage License

issued to

X

11261

and

on the ... day of ... 1899.

FILED
JAN 13 1900

Filed for Record.

this 17th day of August 1899.

Harry Huest-Clark

By Marvin Douglas D.C.

Note. — x x x x x

(Returns)

Charles No.
R. 158

(A Copy.)

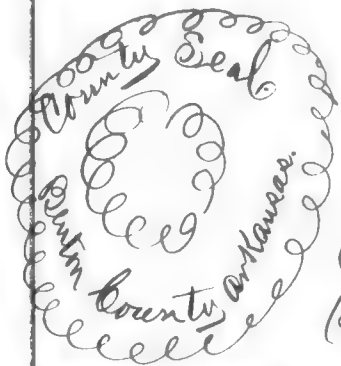
Marriage License

State of Arkansas.

County of Benton.

To any person Authorized by law to Solemnize Marriage Licenses:

You are hereby commanded to solemnize the Rites and publish the Bonds of Matrimony between Mr. H. R. Martin of Prior Creek, Ind. Perry. Aged 53 years, and Mrs. Callie Still of Bentonville in the County of Benton, and State of Arkansas, aged 31 years, according to law, and do you officially sign and return this License to the parties herein named.



Witness my hand and official Seal this 17th day of August. A.D. 1899.

(Signed) Harry Rust, Clerk.

(Signed) By Marion Douglas, D.C.

Certificate of Marriage

State of Arkansas.

County of Benton.

I, J. H. Foster do hereby certify that on the 17th day of August 1899. I did duly and according to law, as Commanded in the foregoing License, solemnize the Rites and publish the Bonds of Matrimony

between the parties named

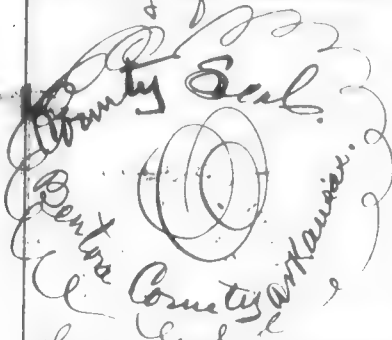
Witness my hand, this 17th day of August.
A. D. 1899.

(Signed) F. H. Foster Co Judge.

(10¢ U.S. Internal
Revenue Stamp here)

Certificate of Record.

State of Arkansas,
County of Benton.



I, Harry Hust, Clerk of
the County Court of said
County, certify that the above
License for and Certificate
of the marriage of the parties
therein named, were, on the 17th day of August
1899, filed in my office, and the same are
now duly recorded on page 382. Book C.
of Marriage Records.

(Signed) Harry Hust Clerk.

(Signed) By Marion Douglass D.C.

United States of America,
Indian Territory }
Northern District }

SS

I, William F. Rascoe,
a Notary Public, within and for the

Judicial District and Territory
aforenamed, ~~Italy~~ Commissioner
and acting, do hereby certify that the
within and foregoing two pages
a Marriage License is a true
and literal copy of the original as
exhibited to me this day.

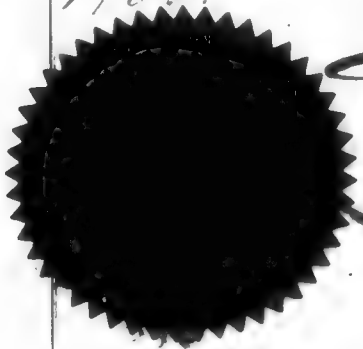
Given under my hand and
official Seal at Pahrump, N.T.
this the 14th day of January A.D.
1902.

Wm. Rasmussen

Notary Public

COMMISSION EXPIRES APRIL 23, 1905.

(B. Kern)



(Reference Cherokee No. R.158)

In the United States Court, :
Northern District, : ss
Indian Territory. :

N. R. Martin :
vs : No. 221. CHANCERY.
Lizzie Martin:

Now on this 14th day of April, A.D. 1899, this cause came to be heard and it appearing from the record that John H. Pitchford, Esq., had been appointed Special Master of Chancery by the court, to report upon said case, and it appearing from said Master's report, that plaintiff had dismissed his complaint during vacation, but before said suit was dismissed by plaintiff, the defendant had filed her cross complaint and answer, as prescribed by law, alleging cruel treatment upon the part of the plaintiff, also asking that the court decree her such portion of plaintiff's property as the law prescribes, and it appearing further, that after said answer and cross petition was filed by defendant, that both plaintiff and defendant agreed in writing that defendant should dismiss her cross petition and answer, so far as to all her property rights and property claimed by defendant in her cross complaint, a division of their property being made by them, and that said suit should be prosecuted upon the grounds of cruel treatment as alleged by defendant, and it appearing from the evidence and from the report of the Special Master, that said grounds of cruel treatment are true, and that defendant's cross complaint conformed to law. It is therefore ordered and adjudged by the court, that the defendant, Lizzie Martin, be divorced from the plaintiff, N. R. Martin, and that she have the care and custody of one minor child named Olla R. Martin, and that the plaintiff have the care of the other minor child named Benj. F. Martin.

John R. Thomas, Judge of the
United States Court,
Northern District,
Indian Territory.

United States of America, :
Northern District, :
Indian Territory :

I, Chas. A. Davidson, Clerk of the United States Court in and for the Northern District of the Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the records of a decree of divorce, in the above styled case No. 221 as appears upon the Records of said court, found in Common Record "A" page 557.

In testimony whereof, I have hereto signed my name officially, and affixed the seal of said court in my office at Tahlequah, I.T. this 14th day of January, A.D. 1902.

(U.S.Court)
(Seal)

Chas. A. Davidson, Clerk.
by Hubert C. Smith, Deputy Clerk.

I, the undersigned, a stenographer of the Commission To The Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of a certified copy on file in the Office of the Commission.

Mabel V. Maxwell

1921

50

Dec 16 1932

NO CHAIRMAN

A. B. CUNNINGHAM, MAYOR.
J. L. ADAIR, RECORDER.
M. E. BROWN, TREASURER.
N. L. WYLY, MARSHAL.
OULL THORNE, STREETS COMMISSIONER.

INCORPORATED TOWN OF TAHLEQUAH,
MAYOR'S OFFICE

BOARD OF ALDERMEN.
R. C. FULLER
E. M. LANDRUM
B. W. ALBERTY
J. W. MOSPADDEN
J. A. KING.

...TAHLEQUAH, INDIAN TERRITORY...

Inc. perated Town of Tahlequah I.T. Dec. 8th 1902.

This certifies that the records of the office
of Mayor of the Incorporated Town of Tahlequah,
Tahlequah, I.T. (Page 67, of the Mayor's Criminal
Docket, case no. 297. shows that on the 29th
day of August, 1897- Lizzie Martin - nee Leach,
nee Miles, nee Deckerhammer - on a plea of guilty
was fined in the sum of Ten Dollars (10.00) for
maintaining a disorderly house.

Given under my hand and seal
of the Incorporated Town of Tahlequah,
Tahlequah, I.T. this 8th day of December
A.D. 1902.

E. M. Landrum
Recorder

A. R. CUNNINGHAM, MAYOR.
E. M. LANDRUM, RECORDER.
J. W. MCPADDEN, TREASURER.
W. W. HASTINGS, ATTORNEY.
R. L. WYLY, MARSHAL.
R. L. MILLER, DEPUTY.
J. D. WILSON, ASSESSOR-COLLECTOR.
J. C. YEAGER, STREET COMMISSIONER.

INCORPORATED TOWN OF TAHLEQUAH,
MAYOR'S OFFICE

BOARD OF ALDERMEN.

R. C. FULLER
J. A. KING
OTIS LUSTER
D. W. C. WILSON
ED W. BLAKE

TAHLEQUAH, INDIAN TERRITORY

Tahlequah 19 April 28, 1904

Whereby certify That the following
Record appears on ~~criminal~~
Mayor's Booklet, City of Tahlequah I.T.
"Town of Tahlequah
as

A R, Norton,

Disturbing the peace
11-20-95 Plead guilty and fined
\$3⁰⁰ & costs, \$12⁰⁰ 11-21-95 "

That the above is a true
and correct copy from said
Record for the year 1895 which
is now on file in my office
and in my legal custody -

Given under my hand
this 28-day of April 1904
A. S. Maly.

Mayor City of Tahlequah

IN THE UNITED STATES COURT ,NORTHERN DISTRICT,INDIAN TERRITORY,
AT TAHLEQUAH.

	X	
	X	
N.R. MARTIN, Plaintiff.	X	
	X	
VS	X	<u>DIVORCE.</u>
	X	
LIZZIE MARTIN, Defendant.	X	
	X	
	X	

The depositions of Lizzie Martin, defendant in the above stated cause taken on the 13th day of April 1899 at the office of Jno.H.Pitchford in the Town of Tahlequah, I.T. to be read as evidence in the above stated cause- present deponent, her attorney, J.A.King and J.P.Buster, attorney for Plaintiff.

Lizzie Martin being first duly sworn deposes and says, as follows:

My age is 35 years ,I reside in Tahlequah, Plaintiff and I were married on or about May 13th 1895 , we lived together as man and wife some thing more than one year. Plaintiff abused me by accusing me of being intimate with other men, he called me bad names and constantly quarrelled, on one occasion without provocation he slapped me. He abused me nearly all the time we lived together, my condotion became so intolerable as to force me to leave him. While I was living with him he failed and refused to furnish me with the ware necessities of life, he would not furnish me in fire wood and neglected me to that extent as to force me to buy the wood I used. Our first child was born about 7 months after our intermarriage; Plaintiff was not present when the child was born, he did not return until the child was five days old, he knew I was soon to be confined and made no provision for my confinement, the second child was born 8 or 9 months after I was forced to leave plaintiff.

During my confinement with my first child plaintiff failed and refused to furnish me means of support.. Since our separation plaintiff has refused to furnish me any means of support..

(signed) Lizzie J. Martin.

Sworn to and subscribed before me this 13th day of April 1899..

Jno. H. Pitchford.
Special Master..

The evidence of Mary Spears taken at my office in Tanlequah on the 14th April 1899 in the above stated cause.

My age 45, I reside in Tanlequah. I am acquainted with plaintiff and defendant, I was at the house of plaintiff a good deal of my time he was quarrelling at defendant nearly all the time. He would quarrell all night at times and would not allow any one to sleep. The way plaintiff did was enough to drive any one to desperation who tried to live with him. and I am sure that I could not have lived with him if he had been the last man on earth.. At the time the first child was born I waited upon defendant, Plaintiff was away and did not return for several days. Plaintiff on one occasion burned the clothes of defendant he was arrested and had to pay a fine.

(signed) Mary ^{her} (X) Spears
mark

Sworn to and subscribed before me this April 14th 1899..

Jno. H. Pitchford..

IN THE U.S. CIRCUIT COURT FOR THE NORTHERN DISTRICT OF THE
INDIAN TERRITORY SEPTEMBER TERM A.D.1898.

UNITED STATES OF AMERICA
NORTHERN DISTRICT
INDIAN TERRITORY.

N.R. MARTIN Plaintiff

VS

LIZZIE MARTIN,
Defendant..

X
X
X
X
X
X
X
X
X

ANSWER AND CROSS COMPLAINT
IN EQUITY.

And now comes the defendant Lizzie Martin in the above numbered and entitled cause and for answer says; That it is true, that she and plaintiff were lawfully married on or about the 13th day of May A.D.1895 as alleged in his complaint herein filed..

That it is not true that she wilfully deserted plaintiff and absented herself from him as alleged, but that the course and conduct of plaintiff toward defendant, the cruel and inhuman treatment of plaintiff toward defendant forced her to leave her home.

That plaintiff demanded of her pay for the support of her infant child by a former husband, well knowing that her financial condition was such that she could not meet such demands.

Defendant states that it is not true that she has committed adultery as alleged in plaintiff's amended complaint filed herein; defendant denies each and every allegation in plaintiff's complaint and amended complaint not admitted in this answer. Wherefore she asks judgment of the Court for all proper relief.

Geo.M.Baines , Attorney for Defendant..

LIZZIE MARTIN, Plaintiff.

VS

N.R. MARTIN, Defendant.
-----X

CROSS COMPLAINT IN EQUITY.

The plaintiff Lizzie Martin states in her cross complaint that she is a citizen of the Cherokee Nation and resides in the Northern District of the Indian Territory and that the said defendant is a citizen of the United States and resides in the said Northern District of the Indian Territory.

That on or about the 13th day of May A.D. 1895 she and defendant were lawfully married in Tahlequah District Cherokee Nation, Ind. Ter. where they lived and cohabited together as man and wife until about the first day of June A.D. 1896.

That soon after her marriage with defendant he began a course of cruel and inhuman treatment towards plaintiff. That on or about the ___ day of July A.D. 1895 defendant became enraged and assaulted plaintiff, choked her and threatened to kill her; that on several occasions during the time plaintiff and defendant lived together he accused her of taking medicine to produce abortion. Plaintiff states that at the birth of their child and when she was sick and confined defendant refused to send for a physician, and left her in that condition and went off to the country and refused to pay for medical aid or help in her sickness.

Plaintiff states, that after her separation from defendant, he publicly charged her with adultery and caused plaintiff to be arrested under the false charge of adultery. Plaintiff states that the cruel and inhuman treatment of defendant is of such a nature as to render her life intolerable with him; that the cause of divorce existed in

the said Northern Dist. of the Ind. Ter.

That the cause of divorce existed within five years next before the beginning of this suit.

That plaintiff has resided in the said Northern Dist. for more than one year before the filing of this suit.

Plaintiff states that there were born to her and defendant since their marriage two children, Frank, a boy about 2 years old, now in the custody of the defendant; and Ola a girl about one year old, now in the custody of plaintiff, being supported by her.

That the conduct and character of the defendant is such as to render him unfit to have their said children.

That defendant is addicted to card playing and gambling in the presence of his family; Plaintiff further states, that before her marriage with defendant, in order to further induce her to marry him, and to provide for her and in consideration that she would become his wife, he contracted and agreed with her to buy her a home to be and become her separate property and that in pursuance of said contract, he purchased for her in her own name the hereinafter described improvements and caused Bill of Sale to be made to her and in her name which was delivered by defendant and accepted by her; said improvement situated upon the Public domain of the Cherokee Nation and described as follows, to-wit:- The improvement and claim on about one hundred and fifty acres of land, situated upon the public domain of the Cherokee Nation, Ind. Ter. on Grand River bounded on the east by John Ward's place on the West by Sarah Martin, place, on the South by Grand River and on the North by Coowee Buffington place, being on the west side of Grand River in Cooweescoowee Dist. in said Nation, about one hundred acres of land under fence, and about fifty acres ~~in~~ cleared; The other improvements consisting of one 2 story frame

house with 4 rooms with 2 brick chimnies with out-houses and orchard of the value of fifteen hundred dollars.

Plaintiff states that after her acceptance of the terms of the said contract and after her marriage to defendant he took charge of the bill of sale to said property and now withholds the same from her and refused to deliver said property to her or to carry out said contract.

That by virtue of said contract and the execution and delivery of the bill of sale to her by the defendant of said property she became and is now the legal ~~owner~~ and equitable owner of said improvements above described..

Plaintiff states that the defendant is reasonably worth one thousand dollars in property, and that she is poor and unable to pay costs and prosecute this suit.

Wherefore she asks that the bonds of matrimony heretofore existing between her and defendant be dissolved and that she be forever divorced from defendant, and that she have the perpetual care, custody, and control of their said children, under the proper order of this court; and that defendant be required to deliver to her the said bill of sale to said property; and that the said described property be declared to be her separate property, and that she have judgment for the same, for reasonable attorneys fees, for all costs and for proper relief.

Geo. M. Baines, Attorney for Plaintiff in cross complaint.

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF INDIAN
TERRITORY SITTING AT TANLEQUAH.

UNITED STATES OF AMERICA,
NORTHERN DISTRICT ,
INDIAN TERRITORY.

SS.

I Charles A. Davidson, Clerk of the United States
Court for the Northern District of the Indian Territory,
do hereby certify that the foregoing are true copies of a
deposition of Lizzie Martin and Mary Spears, and the Cross
Complaint in equity found among the papers in case No. 221
equity, wherein N.R. Martin was plaintiff and Lizzie Martin,
defendant, in an action for divorce in the United States Court
at Tanlequah, Indian Territory.

Given under my hand and seal of office this the
13th day of April, 1904.

CHAS. A. DAVIDSON,

Clerk, By

Herbert C. Smith

Deputy Clerk.

20.

11261

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EX-100-11261
JUL 19 1972

(Reference)
Cherokee No. R. 108.

This agreement made and entered
to day and between Mrs Lige Martin^{Ed}
N. B. Martin. And conditions as
follows to wit.

Whereas the said Mrs Lige Martin
has now pending in the V. S.
Court at Tahlequah Cherokee
Nation a proceeding for Divorce
against her Husband N. B. Martin
And in said said Complaint
for said Divorce the said Lige
Martin having prayed the Court
for a division of all the property now
in possession of the said N. B. Martin
it is hereby understood by and
between the parties hereto that all
allegations as to title to property
or for the purpose of difference the
said N. B. Martin of his Cherokee
citizenship by reason of her
marriage with the said N. B.
Martin are hereby withdrawn.
And it is understood that a new
complaint and an amended
complaint shall be filed by the
said Lige Martin against the
said N. B. Martin, and by change
ing him with such answers as
heaved her caution inta-
able. And upon this ^{change alone} proceed with
the transaction of said Divorce
proceeding.

and it is further understood that the
Said N. R. Martin shall have the
exclusive care and custody of one
of the children named Benjamin F
Martin the said child being
three years old as on the 1st of June
and, disposition of the estate of
the said child. And that the said
N. R. Martin shall not be deprived
of or from becoming the lawful
guardian of the said child.

And that the other female child
named Ella J. Martin shall
remain in the care and custody
of the said Lizzie Martin and that
she shall have the disposition of the
estate of said child.
And that the said Lizzie Martin shall
not be deprived from becoming
the lawful guardian of the said child
and it is further understood that
the said N. R. Martin shall two days
before and evidence to the said Lizzie
Martin and ^{Bill of Sale of land for the purpose of} ~~and~~ ^{from} ~~of~~ ^{of} ~~its~~
value of ten hundred dollars.

And in consideration of the
above the said N. R. Martin agrees
not to make any defense to the
divorce proceedings named above.
And the said N. R. Martin further agrees
to pay to J. W. W. the sum of twenty five
dollars for the said J. W. W. being

the Attorney for the Said Signatory.
And it is further understood that the
Said N. Q. Martin shall not pay
any other sum. or be put to any
of further expense in or concerning
said sign.

And it is further agreed, that the
Said Sign. Martin shall relinquish
all his right title or interest in and
to one certain farm and premises
viz. known as the Grand River
farm to the Said N. Q. Martin.

Signed and sealed this March
the 23rd 1899. To be given in witness whereof
Lozzie J. Martin
N. Q. Martin

S. M. Crocker M. G.

Cordougeles on
Record at Salt Lake City I. T.
Book & Page

This is to certify that I did on the
13 day of May solemnize the Rites of
Matrimony between Nathan & Malinda
and Mrs Figit Wells. according to

S. M. Crocker

M. G.

I hereby certify that I have this day recorded
the above marriage certificate of N. & Malinda
Lizzie J. Myles in the Record of Marriages in the Office
of Dist. Clerk.
Arch. Spencer
deputy Clerk Salt Lake City, U. S.

10.12.61.

L.

(Copy) No. 100, cat

MARRIAGE LICENSE.

CHEROKEE NATION.

Tahlequah

DISTRICT.

TO ANY PERSON LEGALLY AUTHORIZED--GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between M^r. *Nathaniel B. Martin* a citizen of the United States, and M^{rs}. *Lizzie J. Miles* a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty

days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office, this the *11th*

day of

May 13 189*5*
L. W. Triplett

Clerk

Tahlequah

District.

In the United States court, Northern District, Indian Territory, at Tahlequah.

N. R. Martin, :
vs : Divorce.
Lizzie Martin.:

To Hon. Jon. R. Thomas, Judge presiding.

The undersigned to whom the above stated cause was at the April Term 1898 of said court, referred as Special Master to take and report proof & c., begs leave to make the following report--

I find that on the 9th day of April 1898 plaintiff filed his complaint against defendant charging desertion, on the 18th June 1898.

Plaintiff filed his amended complaint charging that defendant had committed adultery Aug., 23rd 1898. Defendant filed her answer denying the allegations contained in the complaint, and at the same time her cross complaint charging cruel treatment & c. on the part of the plaintiff.

Subsequent to the filing of the answer and cross complaint, but the exact date I have been unable to ascertain. Plaintiff in vacation dismissed his complaint and the cause has proceeded upon the cross complaint of defendant. I find from the evidence that the conduct of plaintiff towards defendant was of that nature as to render the life of defendant intolerable, it appearing that plaintiff is cursed with one of those unfortunate tempers as to render wretched the existence of any woman who was forced to live with him, while perhaps the defendant is not without ~~her~~ fault on her part, in view of the evidence, and I might add for the good of the parties concerned, I would respectfully recommend that the bonds of matrimony heretofore existing between the plaintiff and defendant be dissolved.

It appears by the agreement entered into by the parties to this cause that the custody of the children and all property rights involved have been amicably adjusted, I file herein the said agreement.

Respectfully submitted,

John H. Pitchford, Special Master.

Filed in open court, April 14th 1899.

Jas. A. Winston, Clerk.

United States of America, :
Northern District, : ss.
Indian Territory. :

I, Chas. A. Davidson, Clerk of the United States court, in and for the Northern District, Indian Territory, do hereby certify that the above and foregoing, is a true and correct copy of a Report of a Special Master in Chancery, duly filed in the office of the United States Court at Tahlequah, I.T. on the 14th day of April, A.D. 1899, in Chancery case No. 221, and duly spread of record in Common Record No. 1 of said court, on page 556.

In testimony whereof I have hereto officially signed my name at my office in Tahlequah, I.T. on this 1st day of December, A.D. 1902.

Chas. A. Davidson, Clerk.

by *Herbert C. Smith*
Deputy Clerk.

In the United States Court, Northern District, Indian Territory, at Tahlequah, April Term A.D. 1899.

Friday April 14th A.D. 1899, being a day of said term, court met pursuant to adjournment, present Hon. John R. Thomas, Judge.
Court having been opened in due form of law, the following proceedings among others were had, to wit:--

N. R. Martin,

vs

Lizzie Martin.

No. 22. Chancery.

DECREE of DIVORCE.

Now on this day this cause came on to be heard and it appearing from the record that John H. Pitchford, Esquire, had been appointed Special Master by the court to report upon said case, and it appearing from said Master's Report that plaintiff had dismissed his complaint during vacation, but before said suit was dismissed by plaintiff the defendant had filed her cross complaint and answer as prescribed by law, alleging cruel treatment upon the part of plaintiff, also asking that the court decree to her such portion of plaintiff's property as the law prescribed, and it appearing further that after said answer and cross complaint was filed by defendant, that both plaintiff and defendant agreed in writing that defendant should dismiss her cross complaint and answer so far as to all property rights and property claimed by defendant in said cross petition, a division of their property being reached by them, and that said suit should be prosecuted upon the grounds of cruel treatment as alleged by defendant, and it appearing from the evidence and from the report of Special Master that said grounds of cruel treatment are true, and that defendant's cross complaint conformed to law; it is therefore ordered and adjudged by the court that the defendant Lizzie Martin be divorced from the plaintiff N. R. Martin, and that she have the care and custody of one minor child, named Olla R. Martin, and that the plaintiff have the care and control of their other minor child named Beem F. Martin.

United States of America, :
Northern District, : ss.
Indian Territory. :

I, Chas. A. Davidson, Clerk of the United States court, in and for the Northern District of the Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of a decree of divorce duly recorded in Common Record of said court, No. 1 page 557, on the 14th day of April, A.D. 1899.

In testimony whereof I have hereto officially signed my name and affixed the seal of said court, at my office in Tahlequah, I.T. on this 1st day of December, A.D. 1902.

Chas. A. Davidson, Clerk.

by *Herbert C. Smith*
Deputy Clerk.

Free due clerk \$2.00

Cherokee D-1261.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

all
B

In the matter of the application of Nathaniel R. Martin for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 13, 1900, Nathaniel R. Martin appeared before the Commission at Pryor Creek, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on December 20, 1901, and on March 22, October 27, and December 11, 1902. The other parties to the application are differently classified and are not embraced in this decision.

It appears from the records of the Commission that the applicant herein filed his original petition with the Commission to the Five Civilized Tribes, under the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission as a citizen by blood of the Cherokee Nation; that said application was rejected by the Commission and no appeal taken therefrom.

The evidence shows that the applicant, Nathaniel R. Martin, was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on May 13, 1895, to Lizzie J. Miles, nee Beckleheimer, a citizen by blood of the Cherokee Nation, applicant's two former wives having died prior to his marriage to said Lizzie J. Miles. It appears that he lived with his wife, Lizzie J., until about 1896 and that they then separated. Subsequent to the date of their separation applicant filed suit for divorce from his said wife, in the United States Court in the Indian Territory, for the Northern District. She filed therein her cross-complaint for a divorce on the ground of cruel treatment, and on April 14, 1899, the court granted her divorce on her cross-complaint. The evidence herein, however, fails to show that the applicant abandoned his said wife. He is identified on the Cherokee census roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1892), is as follows:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case all of his or her rights acquired under the provisions of this act shall cease."

It appears that the applicant acquired rights of Cherokee citizenship by his marriage to Lizzie J. Miles, his third wife, and that since their divorce he was married to his present wife, Callie, a citizen by blood of the Cherokee Nation.

The evidence further shows that the said Nathaniel R. Martin has resided in the Cherokee Nation ever since 1890.

It is, therefore, the opinion of this Commission that Nathaniel R. Martin should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 23, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerfon	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshdw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Usrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhanev	10062	Dora E. Hays	10150
Naney Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oneico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susah V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lala More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Columbus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Enmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

COMMISSIONERS
HENRY L. DAWES
JAMES HIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

CherokeeD-1261

Muskogee, Indian Territory,

March 3, 1902.

Mr. Nathaniel R. Martin,

Pryor Creek, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

Acting Chairman
~~XXXXXXXXXX~~
Commissioner in Charge.

(COPY)

Leach Ind Tery May 23 1904

Mess Daws Comition

Tahlequah Gentes. I most kindly ask you to call me Before you Before you Pass on my case for Enrollment as the Oherokee atty Mr Haystn Refused me the oportunity to go on the stand to Dispute Rong tistmony and sho that case in clere way to be understood they have charged me with things which I can explain away so you will not hesitate Being convinst Mr Bledsow did not know the things they had charged me with I can sho you all about how fraid she was of me By what her perposels was all that is stuff and I can convince you of it if I have a chance also can show you when all the trouble that was Between me and her and when and the cause and what agreement was made after all thiss trouble was also how they obtained the charge of cruelty in the coart and who the witness was and that she was not in Position to know any thing about the case and show her feeling towards me and why she went in cort against me Be kinde anuff to not allow me to Be Blufft out of ten years labor and hard toil Rongfull I will tell you as a mayson on the squar I am entitled to Enrollment.

Yores Fraternley,

(Signed) Nathaniel R. Martin.

Cherokee D-1261.

Tahlequah, Indian Territory, May 31, 1904.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith jacket and record, including testimony taken May 1, 1904, in Cherokee D-1261, Nathaniel R. Martin.

There is also enclosed a letter under date of May 23, received at this office from Nathaniel R. Martin, which it is requested be given attention from the office at Muskogee.

Respectfully,

MH
Enc. H-67

Commissioner in Charge
Cherokee Land Office.

Cherokee D 1261

Muskogee, Indian Territory, June 7, 1904.

Nathaniel R. Martin,

Leach, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 23, in the matter of your application for enrollment as a citizen by inter-marriage of the Cherokee Nation in which you ask to be permitted to appear before the Commission and introduce testimony in rebuttal of that introduced by the Cherokee Nation in your case at Tahlequah on May 1, and 3, 1904.

In reply you are advised that the Commission is not now passing upon the rights of applicants for enrollment as citizens by inter-marriage of the Cherokee Nation, but such cases will await the decision of the Court of Claims upon the question as to the rights of such claimants. Should that decision be favorable to the applicants you will be given a further opportunity to introduce such testimony as you may desire in regard to your right to enrollment.

Respectfully,

Chairman.

Cher. D 1261

Muskogee, Indian Territory, January 10, 1907.

Nathaniel R. Martin,

Leach, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. _____ D

Commissioner.

Cherokee D
1261

Muskogee, Indian Territory, March 14, 1907.

Nathaniel R. Martin,
Leach, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MH

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

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1261
Nathaniel R Martin.

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D-1261

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6/11/1 1-10
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10/11/1 1-10
11/11/1 1-10
12/11/1 1-10

This card must be clearly and correctly addressed and placed in the envelope when the article is placed in the mail. The postage is paid by the sender. The card must be placed in the envelope before the article is placed in the mail.

Post Office Department

Post Office Department.

OFFICIAL BUSINESS.

For the use of the post office.

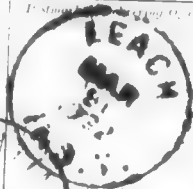
RETURN TO:

Name

Street Address
Post Office Box

County

State



MUSKOGEE, IND. TER.

Post Office Department.

OFFICIAL BUSINESS.

For the use of the post office.

Name

Street Address

Post Office Box

County

State

REGISTRY RETURN RECEIPT.

Form No. 154B

Received from the Postmaster at

Muskogee, Ind. Ter

Registered Letters
Parcel No.

3275

From

Addressee

Nathaniel R. Martin

Date

190

When delivered to the addressee, the postmaster will sign this receipt and return it to the sender. If the addressee is not the sender, the postmaster will sign this receipt and return it to the sender. If the addressee is not the sender, the postmaster will sign this receipt and return it to the sender.

Nathaniel R. Martin

(Signature of addressee)

(Signature of addressee's agent)

When the addressee is not the sender, the postmaster will sign this receipt and return it to the sender. If the addressee is not the sender, the postmaster will sign this receipt and return it to the sender. If the addressee is not the sender, the postmaster will sign this receipt and return it to the sender.

REGISTRY RETURN RECEIPT.

Received from the Postmaster at

Terre Haute, Ind.

Registered Letters
Parcel No.

Nathaniel R. Martin

Addressee

Date

190

When delivered to the addressee, the postmaster will sign this receipt and return it to the sender. If the addressee is not the sender, the postmaster will sign this receipt and return it to the sender. If the addressee is not the sender, the postmaster will sign this receipt and return it to the sender.

Nathaniel R. Martin

(Signature of addressee)

(Signature of addressee's agent)

When the addressee is not the sender, the postmaster will sign this receipt and return it to the sender. If the addressee is not the sender, the postmaster will sign this receipt and return it to the sender. If the addressee is not the sender, the postmaster will sign this receipt and return it to the sender.

Cher D 1262

Cher D 1262

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, I. T. October 4th, 1900.

IN THE MATTER OF THE APPLICATION OF ARCHIE AUGUSTUS THORNTON FOR
THE ENROLLMENT ON HIMSELF AS A CHEROKEE CITIZEN.

The said Archie Augustus Thornton, being sworn and examined by
Commissioner C. R. Brackinridge, testified as follows:

Q What is your name? A Archie Augustus Thornton.
Q How old are you? A Twenty-three.
Q What is your post office? A Eagle.
Q In what district do you live? A Cooweescoowas.
Q Who is it you want to have put on the roll? A Just myself.
Q How long have you lived in the Cherokee Nation? --All your life
A No, sir.
Q How long? A I don't know just how long.
Q When did you come here? A I came here in 1880.
Q Have you lived here since 1880 all the time? A No, sir.
Q Where have you lived? A I have lived in Iowa.
Q When did you come here last time?--when did you arrive? A
In December last year.
Q You have been here since last December? A Yes, sir.
Q Well, where were you before that? --in Iowa? A Yes, sir.
Q Were you ever here before last December, between that
and 1880 when you came here? A No, sir.
Q When you came here in 1880 how long did you live here? A
Until 1882.
Q And then you went to Iowa? A Yes, sir.
Q And you lived out of here from 1882 until last December? A
Yes, sir.
Q Are you on the roll of 1880? A No, sir.
Q Are you on the roll of 1886? A Yes, sir.
Q What is the name of your father? A George W. Thornton.
Q Is he dead or alive? A He is alive.
Q What is the name of your mother? A Emily Jane Thornton.
Q Dead or alive? A She is dead.
Q Is your mother or father on the roll of 1880? A No, sir.
THE COMMISSIONER: The applicant presents ~~xxxxxxxxxxxx~~ an official copy of the records of the Cherokee Commission on Citizenship, showing that on September 25th, 1882, certain persons were admitted to Cherokee citizenship, and among them appears the name of Archie Augustus Thornton.
Q That is your name, is it? A Yes, sir.
THE COMMISSIONER: This is recognized as official evidence of the applicant's name being in said application, which shows that he was admitted to citizenship on the date stated.
Q Now, soon after your admission you went off to Iowa in 1882?
A Yes, sir.
Q Did your father and mother go back in 1882 also? A Yes, sir.
Q Have they lived there ever since? A My mother died after she got back there.
Q She lived there until she died? A She lived until she got back there.
Q Did she go back when you did in 1882? A Yes, sir.
Q Where does your father live? A In the Indian Territory.
Q When did he come to the Indian Territory after he moved back to Iowa? A I couldn't tell you. He is here to speak for himself.

1896 Roll, page 266, No. 4784, Archie A. Thornton, Coconawawee District.

THE COMMISSIONER: The applicant is identified on the roll of 1896 and is shown to have been admitted to Cherokee citizenship in 1882. He states that in 1882 he went back to the State of Iowa with his family, and that he has continued to live in the State of Iowa until December of the past year. He is now twenty-three years of age; he is considered to come under the provision in Section 21 of the Curtis Law, approved June 28th, 1896, which provides that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship." He not having complied at the time of the passage of the law, or within a reasonable ~~the~~ period after acquiring his majority, with the requirement of the law, he is adjudged not entitled to enrollment at this time, and his application is rejected.

-----o-----

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October A. D.
1900.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 17, 1901.

In the matter of the application of Archie A. Thornton for enrollment as a Cherokee by blood. (B-226.)
In the matter of the application of Orville E. Thornton for enrollment as a Cherokee by blood. (B-226.)

Supplemental testimony on behalf of the applicant.

Appearances:

Melletta & Smith, attorneys for the applicant;
Cherokee Representatives present.

GEORGE W. THORNTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A George W. Thornton.

Q Where do you live? A I live out northwest of here about 17 miles.

Q Do you know Archie A. Thornton? A Yes, sir.

Q What relation is he to you? A He is my son.

Q Do you know Orville E. Thornton? A Yes, sir.

Q What relation is he to you? A He is my son.

Q Now are you a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q When were you admitted? A I was admitted in September in 1882.

Q Were these two sons whose names I have just given admitted at the same time? A Yes, sir.

Q Where were they living at that time? A Why they were in Iowa with their grandparents.

Q Did they live in this country? A In May their mother got sick and she was taken back to Iowa.

Q And the two boys were taken with her? A Yes, sir.

Q Well, about how old were they at that time, or do you remember their exact age? Well I don't care about the exact age, were they small children? A Yes, they were small children, I can tell you by figuring it up; Orville was born on May 29, '76, that would make him six years old in the month that she went away.

Q And Archie A. was younger? A Yes, sir, he is about 15 months younger.

Q Now you say in 1882 their mother, on account of ill health, left here and took the boys with her? A Her mamma came down and I wasn't able to doctor her here and take care of her and her mother came down and got her.

Q Were you and your wife lawfully married? A Yes, sir.

Q Where were you married? A In Iowa.

Q You continued to reside in the Cherokee Nation after your wife and children left? A Yes, sir.

Q That became of your wife? A She died before she got home.

Q She died before she got home? A Yes, sir, that is she died before she got to where their grandparents lived.

Q What became of the two boys? A They were taken to their grandparents and kept there.

Q Where was that? A That was in Iowa, Jones County.

Q Where was your home during then? A My home was here in the Indian Territory.

Q They didn't they come back to your home? A Well, because I didn't have any way of keeping them, I didn't have a place to take them, I had to work out for a living and had to work out for their support; when my wife left I didn't have a dollar, didn't have enough money to pay my debts, doctor's bill and one thing and another like that.

Q And you left them up to Iowa with their grandparents and supported them by sending money to them? A Yes, sir, I didn't leave them there, they stayed there, I was backwards and forwards to see them, I think I was there four times in two years, but I stayed here

and worked, I was here part of the time and part of the time in Kansas and part of the time in other places, but I made my home here; I have been here continuously since '84 right in the Nation with the exception of a week or two; before that time I was gone.

Q I notice in this certificate of admission that Emily Jane Thornton was also admitted; is she the mother of these boys? A She was the mother of these boys.

Q How long since they have come back to the Indian Territory, do you remember that? A Well, Orville came back a year ago last February and Archie came back a month or two before, I don't recollect just exactly the date that he did come, I can tell by going home and looking up the records.

Q Orville came back a year ago last February? A Yes, sir, to the best of my knowledge.

Q That would have been February, 1900? A Yes, sir.

Q How old was he at that time? A Well he would be about 23 years old, not quite 23 I believe; '76, he would be '24, he was born in '76, the 29th of May.

Q He would lack a little of being 24 years old then? A Yes, sir, a little of being 24.

Q Well then Archie A. came back when? A He came back a little while before the other boy, but I don't recollect just what month, but I believe it was in December.

Q That would be December, 1899? A Yes, I believe it was a few days before Christmas, but I wouldn't say positively just exactly when he did come.

Q How old was he when he came back, Archie? A Well he was born in '78 I believe, the 15th of August.

Q He was a little over 22 years old then when he came back? A Just about 15 months between their ages.

Q They have been living here since their return? A Yes, sir.

Q Did you furnish them means to come back here, or did you now?

A No, I didn't furnish them means to come back.

Cherokee representative: Well Mr. Thornton you are on a straight card? A I didn't know what card, they told me I was, I suppose so; they told me I was all right.

Commissioner: Are either of these boys married? A Yes, sir.

Q Where was they married? A Married in Iowa.

Q Both of them? A No, they are not both married, I suppose not.

Q Well, which one is married? A This man (indicating).

Q What his name? A Orville E. Thornton.

Q He married in the State of Iowa? A I suppose so.

Q And when he returned here he brought his wife with him? A Yes, sir.

Q Well, is the other boy married? A Not that I know of, I guess not.

Orville E. Thornton, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Orville E. Thornton.

Q Are you the Orville E. Thornton who has applied for enrollment as a Cherokee citizen? A Yes, sir.

Q How old are you? A 25 years.

Q When were you 25? A May 29.

Q Have you ever lived in the Cherokee Nation? A Yes, sir.

Q When? A I live here now.

Q Did you ever live in the Cherokee Nation as a child? A Yes, sir.

Q Can you remember when you were here as a child? A Not very much about it.

Q Where did you grow up? A In Iowa.

Q Who did you live with? A My grandparents.

Q Why didn't you come to the Territory instead of living up there with your grandmother? A I hadn't any means to come with.

Q You lived and made your home with your grandparents, did you?
A Yes, sir.
Q When did you come back to the Indian Territory, the Cherokee Nation? A In February, 1900.
Q How old were you at that time? A 23 years and 8 months, or 9.
Q Well, did you marry in Iowa before you came? A Yes, sir.
Q How long before you came? A Married in 1898.
Q Why didn't you come sooner after you became 21 years of age?
A I wasn't able to come, I hadn't the money to come with.
Q Did you come as soon as you got the money to come with? A Yes, sir.
Q You were about 23 years and eight months then and over 21 years old when you came back? A Yes, sir.
Q How old would you have been on July 1, 1898? A 22 years old.
Commissioner: Have you any children? A No, sir.

ARCHIE A. THORNTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Archie Augustus Thornton
Q Are you the Archie A. Thornton who has applied for Cherokee citizenship? A Yes, sir.
Q Are you a brother of Orville Thornton? A Yes, sir.
Q And son of George W. Thornton? A Yes, sir.
Q Where were you raised? A In Iowa.
Q Who with? A My grandparents.
Q Are you married or single? A Single.
Q When did you come back to the Territory? A In December, 1899.
Q How old were you at that time? A 22 years and 4 months.
Q That was a year and four months then after you arrived at 21 years of age? A Yes, sir.
Q Why didn't you come sooner after you became of age? A I didn't have the means to come with.
Q Have you come back here to make this your home? A Yes, sir.
Q Where did your father live while you were living in Iowa with your grandparents? A Lived in the Cherokee Nation.
Commissioner: Were you ever married? A No, sir.
Q Ever vote in the State of Iowa? A No, sir.
Q Never did vote in Iowa? A No, sir.
Q Were you ever in the Cherokee Nation from the time you went out until you returned the last time? A No, sir.
Mr. Mellette: Why didn't you, what was your grandmother's control over you during the time you lived with her and what was her advice about your coming back here, did she consent for you to come back?
A No, sir.
Q Did she object to it? A Yes, sir.
Q Did she object to your brother coming too? A Yes, sir, she didn't want either one of us to come.

Mr. Mellette: The applicants desire to offer in evidence the certificate admitting the claimants to citizenship, and asks that it be copied into the record.

Commissioner: This will be done.

Mr. Mellette: (reading) "Office of Commission on Citizenship, Tahlequah, C.N., September 25, 1882. George W. Thornton and others against the Cherokee Nation; petition for citizenship No. 72. Transcript. And now on this the 25th day of September, A.D. 1882, this case coming on for final hearing, and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship that the said claimants, George W. Thornton, Emily Jane Thornton, Orville E. Thornton and Archie Augustus Thornton, are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be and are hereby admitted to

the full and complete enjoyment of the same within the Cherokee Nation in all respects as native born Cherokees. Signed, Thomas Teehee, President of Commission, Alex Wolf, and T. F. Thompson, Commissioners; and on the margin, September 25, 1882, and below, D. W. C. Duncan, Clerk of Commission. Then the certificate is as follows: I hereby certify that the above is a full and complete transcript of the decision and judgment of the Commission on citizenship in the above entitled case as appears of record in my office. D. W. C. Duncan, Clerk of Commission, September 25, 1882."

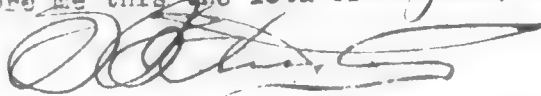
Commissioner: Anything else.

Mr. Mellette: The applicant's error in evidence the following law, to-wit, an Act of the Cherokee Council in relation to citizenship, as follows: (reading) Be it enacted by the National Council that all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this Act, or from the date of readmission of persons hereafter readmitted, or nor rights whatever shall accrue to such persons by reason of such readmission; provided that nothing in this Act shall bar minors or orphans; approved December 4, 1894."

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of October, 1901.



Commissioner.

COMMISSIONER

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 4, 1902.

In the matter of the application of Archie A. Thornton to be
enrolled as a citizen by blood of the Cherokee Nation.

By reason of the supplemental testimony introduced in behalf of
the applicant at Vinita, Indian Territory, October 17, 1901, with
reference to his return to the Cherokee Nation, the original appli-
cation, made October 4, 1901, will be cancelled and the name of
Archie A. Thornton will be transferred from Cherokee Roll Card Field
No. R. 285 to a doubtful card, awaiting further consideration by the
Commission.



Commissioner.

"R"

File with Cherokee D 1262

Cherokee D 1263-1262

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application
of Orville E. Thornton and Archie A. Thornton, D 1262 and D 1263
as citizens of the Cherokee Nation.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., at-
torneys for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicants and their attorneys were noti-
fied by registered letter February 11, 1902, that this case
would be taken up by the Commission for final consideration,
on the 25th day of February, 1902. Receipt has been acknowledged
of the Commissions letters and the applicants this day appear
by their attorneys, Mellette & Smith, Vinita, I. T.

BY COMMISSION: The attorneys for the applicants and the rep-
resentatives of the Cherokee Nation present submit this case
to the Commission and same is ordered closed and reported to
the Commission for final decision, based upon the evidence
now of record. The attorney for the applicant requests and
will be granted 15 days in which to submit brief in this case,
one copy with the Commission and one copy with the repre-
sentatives of the Cherokee Nation..

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 27, 1902.



Commissioner.

Cherokee Don'tful

No 1262

Archie A Thornton

Brief

Multette Smith

Copy for
Cherokee Nation

RECEIVED

ADJUTANT GENERAL'S OFFICE
WASHINGTON, D. C.

NOV 10 1918

TO THE ADJUTANT GENERAL
WASHINGTON, D. C.

SIR:

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above captioned matter.

The Adjutant General's Office has been advised of the same and will take the necessary action thereon.

Very respectfully,
[Signature]

ADJUTANT GENERAL
WASHINGTON, D. C.

Enclosed for the Adjutant General's Office are two copies of the report of the Adjutant General of the Iowa National Guard, dated at Iowa, Iowa, this 10th day of November, 1918.

The Adjutant General of the Iowa National Guard is requested to forward the same to the Adjutant General of the United States Army, Washington, D. C.

Very respectfully,
[Signature]

Resur 13 & discont 49 The 25th

It, however, is not necessary to discuss the general rule governing the status of minors during

1. The first of these is the fact that the law is not a static body of rules, but a dynamic one which is constantly changing. The law is constantly being modified by the courts, and the courts are constantly being modified by the legislature. The law is constantly being modified by the courts, and the courts are constantly being modified by the legislature. The law is constantly being modified by the courts, and the courts are constantly being modified by the legislature.

[illegible]

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 12, 1902.

In the matter of the application of Archie A Thornton for enrollment as a citizen of the Cherokee Nation.

Cherokee D 1262.

The testimony in this case shows that Archie A Thornton was admitted to citizenship in 1892. It is not shown where he was born but the testimony shows that immediately after he was admitted to citizenship or in the same year he and his brother and their mother returned to the state of Iowa where they continued to reside until 1898, at which time the applicant was 22 years and four months of age.

Section twenty-one of the Curtis bill provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Now the applicant does not contend that he was here on June 28, 1898 and for a period of seventeen years he was resident of the state of Iowa, living with his grand parents who had him in charge. His brother Orville E. Thornton was married in the state of Iowa and like every other applicant both plead their minority and that he was unable to get back to the Cherokee Nation. His brother was able to marry and support a family and was unable to pay his way on a railroad a distance of perhaps less than five hundred miles and a railroad ticket would cost less than fifteen dollars. This statement is a sad commentary on the manhood of these two young applicants and certainly does not need to be refuted with evidence.

When application was first made for the two applicants they were properly rejected by the Commissioner in the field because of their continued ~~non residence~~ non residence they were not residents of the Indian Territory and because they were not residents of the Indian Territory on June 28th 1898 and neither of them were residents of the Cherokee Nation when they reached their majority but the brother married in the state of Iowa. So far as the testimony is concerned neither of these boys ever

seemed to have relied upon their father; they do not seem to know of his whereabouts and have made their home with their grand parents. When Archie A Thornton was asked about his father he replied that his father was here to speak for himself which indicated that he did not know anything about his whereabouts. Attorneys for applicant cite the Cherokee Law of December 4th 1894 but they forget to state that neither the applicant or his brother returned within six months after either of them became of age. Orville Thornton was born in 1876 and Archie about fifteen months later. Orville was about twenty-four years of age and was therefore of age on June 28th 1898 while Archie A. Thornton became twenty-one years of age a short time afterwards but remained in the state of Iowa a period of about eighteen months after he became of age.

We submit that the section of the Curtis Bill herein above quoted makes no exceptions in favor of minors and it can not be argued in this case that the residence of the children was that of the father because there is absolutely no proof that these children knew where the father was, neither had he contributed anything to their support, but that they lived with and made their homes with their grand parents in the state of Iowa and we submit that they are not entitled to be enrolled as citizens of the Cherokee Nation.

Respectfully submitted,

W W Hastings
Attorney for the Cherokee Nation.

Cherokee D 1262.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Archie A. Thornton for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 4, 1900 Archie A. Thornton appeared before the Commission at Vinita, Indian Territory and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 17, 1901 and at Muskogee, Indian Territory on January 4 and February 25, 1902.

The evidence shows that the applicant, Archie A. Thornton, is a Cherokee by blood; that he first came to the Cherokee Nation from the State of Iowa with his father, George W. Thornton, and his mother, Emily J. Thornton, in 1880; that on September 25, 1882 he and his father were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof; that he is identified on the 1896 census roll.

The evidence further shows that the applicant's mother died en-route to the home of her parents in the State of Iowa, while returning thereto for her health, in the month of May, 1882; that at said time she was accompanied by her mother and this applicant, who was then about two years of age; that immediately after her decease the applicant was taken in charge by his mother's parents and remained in their care and custody in said State until December, 1899, when he returned to the Cherokee Nation; that during his minority he was occasionally visited by his father, who contributed to his support.

The evidence further shows that the applicant was a minor on June 28, 1898 and has resided in the Cherokee Nation since his return thereto in December, 1899; that his father has been a resident of said Nation since the date of his admission to citizenship therein.

It is, therefore, the opinion of this Commission that, Archie A. Thornton having been a minor on June 28, 1898, his residence was the residence of his father, and he should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this A

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE STATE OF TEXAS

RECEIVED 11/11/1914

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Washogoe, I. T. August 25th 1902.

**In the matter of the application of Archie A Thornton for enrollment
as a citizen of the Cherokee Nation by blood.**

Protest of the Cherokee Nation.

C. D. 1262.

The Representative of the Cherokee Nation desires to protest against the decision of the Commission rendered on August 11th 1902 and requests that the same be forwarded to the Honorable Secretary of the Interior for review.

The applicant was born in 1877; his parents were admitted to citizenship in the Cherokee Nation in 1882 but immediately returned to the state of Iowa where he continued to reside until 1899 at which time the applicant was twenty two years and four months of age when he returned to the Cherokee Nation.

Section twenty one of the Curtis Bill provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Now the applicant does not contend that he was here on June 28, 1898 and for a period of seventeen years immediately prior thereto he was a resident of the state of Iowa living with his grand parents who had him in charge.

There is but one question involved in this case and that is whether any exemption runs in applicants favor because of the fact that he was a minor on June 28th 1898. By referring to the Curtis bill it will be seen that no exemption whatever was made and in fact no exemptions have been made by any acts of Congress with reference to citizenship in the Cherokee Nation.

Subsequent William Van Devanter, Assistant Attorney General of the United States delivered an opinion on June 8th 1901 in answer to an inquiry from the Commission whether or not minors and insane persons were exempt from the provisions of the Act of May 21, 1900 and he decided as follows:

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES?

MUSKOGEE? i/ t/ AUGUST "3TH L(o"/

CD 1262

* Presumably the questions intended to be submitted are whether the state of unsound mind in the one case and of infancy in the other exempt these applications from the limitations upon the time within which applications for citizenship by persons not on the tribal rolls were required to be made by the Act of June 10, 1896. If so my answer is in the negative. There is nothing in the legislation of Congress upon which such an exemption can be predicated, and the acts of June 10, 1896, June 19, 1897, (20 Stats., 62, 64) June 26, 1898, (20 Stats., 496, 502) and May 31, 1900 (Stats., 32, 34) June 26, 1900, (20 Stats., 496, 502) and May 31, 1900 (Stats., 32, 34) clearly indicate that no such exemption was intended. In this connection I refer to the opinions rendered by me September 24, 1900, and March 17, 1901, respecting the work of enrollment by said commission."

This opinion was approved June 8th 1961 by Honorable Thomas Ryan,
Acting Secretary.

It will be noted that the Assistant Attorney General subsequently decided that among others that the act of June 28, 1898 clearly indicated that no such exemption was intended for a minor or a person of unsound mind. In our judgment this opinion clearly covers the present case. Reference is also made to the brief filed in this case.

Respectfully submitted,

11-11-71 a.s. P. J. S.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1262

Muskogee, Indian Territory, August 11, 1902.

W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

Enclosed herewith please find copy of the decision of the Commission to the Five Civilized Tribes of date August 11, 1902, granting the application of Archie A. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file protest against the action of the Commission. If you fail within that time to file a protest, the said Archie A. Thornton will be duly enrolled as a citizen by blood of the Cherokee Nation.

Very respectfully,

Tams Bixby
Acting Chairman.

Encl. B-192.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1262.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 11, 1902, granting the application of Archie A. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on August 11, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamm Bixby
Acting Chairman.

DR

COMMISSIONERS:

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BUCKINGHAM

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1262.

A. J. AYCOCK, WORTH,
SOUTHERN

Muskogee, Indian Territory, November 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date August 11, 1902, granting the application of Archie A. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 4, 1902.

Respectfully,

C. A. Buckingham

Commissioner in Charge.

1262

Rich. in the same

Ch. in the same

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Original testimony Oct 4 1900

Memorandum of affidavits Oct 4 1900

Receipt for testimony

Supplementary testimony Oct 17, 1900

Order of Court Feb 25, 1902

Notice of final consideration, Feb 25, 1902

Order closing testimony, Feb 25, 1902

Brief of appellant


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R 226

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1900


ACTING CHAIRMAN

A

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 4th, 1900.

IN THE MATTER OF THE APPLICATION OF ORVILLE E. THORNTON FOR THE
ENROLLMENT OF HIMSELF AS A CHEROKEE CITIZEN.

The said Orville E. Ross, being sworn and examined by Commissioner
C. P. Breckinridge, testified as follows:

Q Give me your full name, please. A Orville E. Thornton.
Q How old are you A Twenty-four.
Q What is your post office? A Eagle.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself.
Q Is that all? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Since
February 1900.
Q Are you on any of the rolls of the Cherokee Nation? A Yes,
sir.
Q Where were you before February, 1900, and for how long a time?
A Part of the time in Iowa.
Q When were you in the Cherokee Nation before February 1900?
A I came here with my father in 1880.
Q And how long did you stay here? A Two years, I think.
Q And then went out? A Yes, sir.
Q And haven't been back until last February? A No, sir.
1896 roll, page 264, No. 4783, Orville Thornton, Cooweescoowee
District.

THE COMMISSIONER: The applicant presents an official certificate of
admission to citizenship showing that on the 25th of September 1882
certain persons were admitted to citizenship by the Cherokee Commis-
sion, and among them appears the name of Orville E. Thornton. This is
recognized as official evidence of the facts stated.

The applicant is identified on the roll of 1896, and he presents
a certificate of admission to Cherokee citizenship as cited in the
testimony, in 1882, but he left the Cherokee Nation in the year
1882 and did not return to the Cherokee Nation until February of the
present year. He is, therefore, considered to come under the clause
in Section 11 of the Curtis Bill, approved June 28th, 1898, prohibiting
the enrollment of any person who shall not have theretofore "removed
to, and in good faith settled in, the Nation in which he claims
citizenship," and therefore, his application for enrollment is re-
jected.

The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the tes-
timony and other proceedings in this application for enrollment, and
that the foregoing is a correct and complete transcript of his stenograph-
ic notes thereof.

Subscribed and sworn to before me this 22nd day of October A. D.
1900.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 17, 1901.

In the matter of the application of Archie A. Thornton for enrollment as a Cherokee by blood (R-226.)

In the matter of the application of Orville E. Thornton for enrollment as a Cherokee by blood. (R-226)

Supplemental testimony on behalf of the applicant.

Appearances:

Mellette & Smith, attorneys for the applicant;
Cherokee Representatives present.

GEORGE W. THORNTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A George W. Thornton.

Q Where do you live? A I live out northwest of here about 17 miles.

Q Do you know Archie A. Thornton? A Yes, sir.

Q What relation is he to you? A He is my son.

Q Do you know Orville E. Thornton? A Yes, sir.

Q What relation is he to you? A He is my son.

Q Now are you a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q When were you admitted? A I was admitted in September in 1882.

Q Were these two sons whose names I have just given admitted at the same time? A Yes, sir.

Q Where were they living at that time? A Why they were in Iowa with their grandparents.

Q Did they live in this country? A In May their mother got sick and she was taken back to Iowa.

Q And the two boys were taken with her? A Yes, sir.

Q Well, about how old were they at that time, or do you remember their exact age; well I don't care about the exact age, were they small children? A Yes, they were small children, I can tell you by figuring it up; Orville was born on May 29, '76, that would make him six years old in the month that she went away.

Q And Archie A. was younger? A Yes, sir, he is about 15 months younger.

Q Now you say in 1882 their mother, on account of ill health, left here and took the boys with her? A Her mamma came down and I wasn't able to doctor her here and take care of her and her mother came down and got her.

Q Were you and your wife lawfully married? A Yes, sir.

Q Where were you married? A In Iowa.

Q You continued to reside in the Cherokee Nation after your wife and children left? A Yes, sir.

Q What became of your wife? A She died before she got home.

Q She died before she got home? A Yes, sir, that is, she died before she got to where their grandparents lived.

Q What became of the two boys? A They were taken to their grandparents and kept there.

Q Where was that? A That was in Iowa, Jones County.

Q Where was your home during then? A My home was here in the Indian Territory.

Q Why didn't they come back to your home? A Well, because I didn't have any way of keeping them, I didn't have a place to take them, I had to work out for a living and had to work out for their support; when my wife left I didn't have a dollar, didn't have enough money to pay my debts, doctor's bill and one thing and another like that.

Q And you left them up to Iowa with their grandparents and supported them by sending money to them? A Yes, sir, I didn't leave them there, they stayed there, I was backwards and forwards to see

them, I think I was there four times in two years, but I stayed here and worked, I was here part of the time and part of the time in Kansas and part of the time in other places, but I made my home here; I have been here continuously since '84 right in the Nation with the exception of a week or two; before that time I was gone.

Q Notice in this certificate of admission that Emily Jane Thornton was also admitted; is she the mother of these boys? A She was the mother of these boys.

Q Now how long since they have come back to the Indian Territory, do you remember that? A Well, Orville came back a year ago last February and Archie came back a month or two before, I don't recollect just exactly the date that he did come, I can tell by going home and looking up the records.

Q Orville came back a year ago last February? A Yes, sir, to the best of my knowledge.

Q That would have been February, 1900? A Yes, sir.

Q How old was he at that time? A Well he would be about 23 years old, not quite 23 I believe; '76, he would be '24, he was born in '76, the 29th of May.

Q He would lack a little of being 24 years old then? A Yes, sir, a little of being 24.

Q Well then Archie A. came back when? A He came back a little while before the other boy, but I don't recollect just what month, but I believe it was in December.

Q That would be December, 1899? A Yes, I believe it was a few days before Christmas, but I would say positively just exactly when he did come.

Q How old was he when he came back, Archie? A Well he was born in '78 I believe, the 15th of August.

Q He was a little over 22 years old then when he came back? A Just about 15 months between their ages.

Q They have been living here since their return? A Yes, sir.

Q Did you furnish them means to come back here, or did you not?

A No, I didn't furnish them means to come back.

Cherokee Representative: Well Mr. Thornton you are on a straight card? A I don't know what card, they told me I was, I suppose so; they told me I was all right.

Commissioner: Are either of these boys married? A Yes, sir.

Q Where was they married? A Married in Iowa.

Q Both of them? A No, they are not both married, I suppose not.

Q Well, which one is married? A This one (indicating).

Q What is his name? A Orville E. Thornton.

Q He married in the State of Iowa? A I suppose so.

Q And when he returned here he brought his wife with him? A Yes, sir.

Q Well, is the other boy married? A Not that I know of, I guess not.

ORVILLE E. THORNTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Orville E. Thornton.

Q Are you the Orville E. Thornton who has applied for enrollment as a Cherokee citizen? A Yes, sir.

Q How old are you? A ~~Twenty~~ 25 years.

Q When were you 25? A May 29.

Q Have you ever lived in the Cherokee Nation? A Yes, sir.

Q When? A I live here now.

Q Did you ever live in the Cherokee Nation as a child? A Yes, sir.

Q Can you remember when you were here as a child? A Not very much about it.

Q Where did you grow up? A In Iowa.

Q Who did you live with? A My grandparents.

Q Why didn't you come to the Territory instead of living up there

with your grandmother? A I hadn't any means to come with.

Q You lived and made your home with your grandparents, did you?

A Yes, sir.

Q When did you come back to the Indian Territory, the Cherokee Nation? A In February, 1900.

Q How old were you at that time? A 23 years and 8 months, or 9.

Q Well, did you marry in Iowa before you came? A Yes, sir.

Q How long before you came? A Married in 1898.

Q Why didn't you come sooner after you became 21 years of age?

A I wasn't able to come, I hadn't the money to come with.

Q Did you come as soon as you got the money to come with? A Yes, sir.

Q You were about 2 years and eight months then over 21 years old when you came back? A Yes, sir.

Q How old would you have been on July 1, 1898? A 20 years old.

Commissioner: Have you any children? A No, sir.

ARCHIE A. THORNTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Archie Augustus Thornton.

Q Are you the Archie A. Thornton who has applied for Cherokee citizenship? A Yes, sir.

Q Are you a brother of Orville Thornton? A Yes, sir.

Q And son of George W. Thornton? A Yes, sir.

Q Where were you raised? A In Iowa.

Q Who with? A My grandparents.

Q Are you married or single? A Single.

Q When did you come back to the Territory? A In December, 1899.

Q How old were you at that time? A 22 years and 4 months.

Q That was a year and four months then after you arrived at 21 years of age? A Yes, sir.

Q Why didn't you come sooner after you became of age? A I didn't have the means to come with.

Q Have you come back here to make this your home? A Yes, sir.

Q Where did your father live while you were living in Iowa with your grandparents? A Lived in the Cherokee Nation.

Commissioner: Were you ever married? A No, sir.

Q Ever vote in the State of Iowa? A No, sir.

Q Never did vote in Iowa? A No, sir.

Q Were you ever in the Cherokee Nation from the time you went out until you returned the last time? A No, sir.

Mr. Mellette: Why didn't you, what was your grandmother's control over you during the time you lived with her and what was her advice about your coming back here, did she consent for you to come back?

A No, sir.

Q Did she object to it? A Yes, sir.

Q Did she object to your brother coming too? A Yes, sir, she didn't want either one of us to come.

Mr. Mellette: The applicants desire to offer in evidence the certificate admitting the claimants to citizenship, and asks that it be copied into the record.

Commissioner: This will be done.

Mr. Mellette: (reading) Office of Commission on citizenship, Tahlequah, C.N., September 25, 1882. George W. Thornton and others against the Cherokee Nation; petition for citizenship No. 72. Transcript. And now on this the 25th day of September, A.D. 1882, this case coming on for final hearing, and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on citizenship that the said claimants, George W. Thornton, Emily Jane Thornton, Orville E. Thornton and Archie Augustus Thornton, are

Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be and are hereby admitted to the full and complete enjoyment of the same within the Cherokee Nation in all respects as native born Cherokees. Signed, Thomas Teehee, president of Commission, Alex Wolf, T.F. Thompson, Commissioner; and on the margin, September 25, 1882, and below. D.W.C. Duncan, Clerk of Commission. Then the certificate is as follows: I hereby certify that the above is a full and complete transcript of the decision and judgment of the Commission on citizenship in the above entitled case as appears of record in my office. D. W. C. Duncan, Clerk of Commission, September 25, 1882.

Commissioner: Anything else.

Mr. Mallette: The applicants offer in evidence the following law, to-wit, An Act of the Cherokee Council in relation to citizenship, as follows: (reading) "Be it enacted by the National Council that all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this Act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: provided, that nothing in this act shall bar minors or orphans: approved December 4, 1894."

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Subscribed and sworn to before me this the 11th of November, 1901.

[Signature]

Commissioner.

D 1263

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1 CHAIRMAN

AV PTT

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 4, 1903.

In the matter of the application of Gerville E. Thornton to be enrolled as a citizen by blood of the Cherokee Nation.

By reason of the supplemental testimony introduced in behalf of the applicant at Vinita, Indian Territory, October 17, 1901, with reference to his return to the Cherokee Nation, the original application, made October 4, 1901, will be cancelled and the name of Gerville E. Thornton will be transferred from Cherokee Roll Card Field No. 2226 to a doubtful card, awaiting further consideration by the Commission.



Commissioner.

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Apr 12 63

Orville E. Thornton

Brig' -

Melville Smith

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... filed in the case of Archie A. Thornton, above referred to.

Respectfully,

... FOR ...

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee I. T. June 11th 1902.

In the matter of the application of Orville E Thornton, for enrollment as a citizen of the Cherokee Nation.
Cherokee D 1263.

Brief on part of the Cherokee Nation.

The applicant, Orville E. Thornton is a brother of Archie A Thornton and with the exception that he is fifteen months older than Archie A Thornton and that he was married in the State of Iowa and where his child was born the facts in his case are the same as those in the case of his brother Archie A Thornton, listed for enrollment on Cherokee Doubtful Card 1262.

We submit that under Section twenty-one of the Curtis bill which provides:

" No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship. That the applicants are not entitled to be enrolled as citizens of the Cherokee Nation.

Respectfully submitted,

W W Hastings & Co
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Orville E. Thornton for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 4, 1900 Orville E. Thornton appeared before the Commission at Vinita, Indian Territory and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 17, 1901 and at Muskogee, Indian Territory January 4, 1902.

The evidence shows that the applicant, Orville E. Thornton, is a Cherokee by blood; that he first came to the Cherokee Nation from the State of Iowa with his father, George W. Thornton, and his mother, Emily J. Thornton, in 1880; that on September 25, 1882 he and his parents were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof; that he is identified on the 1896 census roll.

The evidence further shows that the applicant's parents returned with him to the State of Iowa just after their admission to citizenship, as aforesaid in 1882, for a temporary absence from the Indian Territory by reason of the ill health of his mother, who died en route to the home of her parents in said State; that immediately after her death the applicant, who was a minor about six years of age, was placed by his father in the care and custody of his said grand-parents, and his father, the said George W. Thornton, returned at said time to the Indian Territory where he has resided since 1880; that the applicant remained with his grand-parents during his minority and was frequently visited by his father, who regularly contributed to his support; that he did not return to the Indian Territory until February 1900.


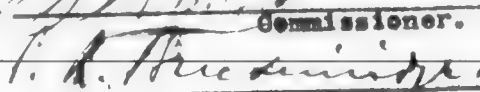

The evidence further shows that the applicant was twenty-two years of age on June 28, 1898 and was not a resident of the Cherokee Nation or Indian Territory at said time, but has resided in said Nation since his return thereto in February 1900.

The 9th Paragraph of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), provides as follows:

"No person shall be enrolled who has not heretofore removed to or in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application of Orville E. Thornton for enrollment as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this

IN THE DEPARTMENT OF THE INTERIOR.

-----oOo-----

In re)
Application of Orville L. Thornton :
for enrollment as a citizen of the)
Cherokee Nation. :

-----oOo-----

MOTION FOR REVIEW AND REHEARING.

And now comes the applicant by his attorneys and moves
that the decision of the Secretary of the Interior in this cause
be set aside and that this case be reviewed and reheard for the
reasons set forth in the brief hereto attached.

Harry G. Kimball
Wm. Henry White
Attorneys for Applicant.

IN THE DEPARTMENT OF THE INTERIOR.

---oCo---

In re)
Application of Orville E. Thornton :
for enrollment as a citizen of the)
Cherokee Nation. :

-----oOo-----

B R I E F F O R A P P L I C A N T .

STATEMENT OF FACTS.

This applicant is the son of George W. Thornton and Emily Jane Thornton. His father, mother, brother and himself were all admitted to citizen^{ship} in the Cherokee Nation on the 25th day of September, 1882. It will be noted that they were "admitted" to citizenship, not "readmitted". Orville W. Thornton was born May 29, 1876. When admitted he was just a little over six years old. He removed to the Nation in 1880, when about ~~four~~ years old, and remained there with his father's family until the last illness of his mother, which occurred about two years later, or in 1882.

At the time of his mother's illness his father was entirely without money and his mother's mother came from Iowa and took the mother and the two boys with her to Iowa. On the way to Iowa the mother died and the grandmother took care of these boys until they became of age. The father continued to reside in the Cherokee Nation and has been enrolled by the Commission without question. During the minority of applicant the father aided in supporting him, but he was entirely under the control and direction of his grandmother, who refused to allow him to return to the Nation. After becoming of age the applicant came to the Nation just as soon as he had money enough to bring him there.

There is not the slightest bit of evidence tending to show that he ever exercised any right of citizenship in Iowa after

he might have done so under the law. He had no property in the Nation which he could have removed when he went to Iowa and instead of leaving the Nation he was taken at a period in his life when he had absolutely no control over his movements.

His name appears upon the 1896 census roll of the Cherokee Nation.

ARGUMENT.

Under the ruling in the James V. Shirley case we have merely to consider whether or not the name of Orville F. Thornton appears on the roll of 1896 lawfully or unlawfully. No question of fraud is raised. If his name lawfully appears upon the 1896 roll it is the duty of the Commission to enroll him now, and it is only in the event of its appearing there unlawfully that they have any authority at all to reject him.

In 1882 when the applicant's grandfather took him from the Nation to Iowa he was a citizen of the Cherokee Nation. In the language of the Teehee Court he was "entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation," and he was "admitted to full and complete enjoyment of the same within the Cherokee Nation in all respects."

Citizenship is a status which, once established, continues unless revoked by the establishment of another inconsistent status. The only other status set up is citizenship in Iowa. The father of the applicant never lost his citizenship in the Cherokee Nation and time and time again the Commission and Department have held that the citizenship of the child is that of the parent. We deem it uncontrovertible that until the applicant attained the age of twenty-one years, he was a citizen of the Cherokee Nation. In other words, from the time he was six years of age until he was twenty-one, or for fifteen years, this applicant was a citizen of the Cherokee Nation. Being still more exact, he was a citizen of the Cherokee Nation until May 29, 1897. We,

therefore, inquire what has he done since May 29, 1897, to forfeit his citizenship in the Cherokee Nation, which brings us to the Yeargains case.

This case decided that one may lose his citizenship in the Cherokee Nation by doing all of four things: namely, remove from the Nation; take with him all of his effects; become a citizen of another government; and do all of these with the intent of forfeiting his Cherokee citizenship.

Since May 29, 1876, this applicant did not remove from the Cherokee Nation; in fact, he did not remove from the Nation at all; on the contrary, he was taken from the Nation at a time when he had no control over his own movements; therefore, he has not done all four of the things necessary to forfeit his citizenship and should be enrolled.

Second. He did not have any property to remove and, therefore, did not remove any effects from the Nation. It takes four things to forfeit his citizenship and here are two of them which he has not done; therefore, he should be enrolled.

Third. There is not a bit of evidence that he ever undertook to exercise any right of citizenship in Iowa or elsewhere. He could not become a citizen of the State of Iowa so as to deprive him of his tribal rights of property. To become a citizen of Iowa he must first have become a citizen of the United States. He could have become a citizen of the United States only under the provisions of an act of Congress. -- *Wlk vs. Wilkins*, 112 U. S. 94.

The only act of Congress governing the case also provides that nothing therein shall deprive him of any of his tribal rights of property. If this act is inconsistent with the Cherokee Constitution, this provision of the Act of Congress prevails. - Assistant Attorney-General's decision in the James W. Shirley case. The third thing, therefore, necessary to forfeit his rights in the Cherokee Nation he has not done. It takes all of

four things to forfeit his rights; the first three of them he has not done; therefore, he should be enrolled.

Fourth. The intention of the applicant when six years of age is not to be considered. When he was taken from the Nation he was too young to have any intention binding on him. After he became of age he says he removed to the Nation just so soon as he had the money with which to do so. His testimony is unimpeached; there is nothing in the record which in any way contradicts it and every presumption of law is in favor of its truth. Under the Yeergains case it takes four things to deprive a Cherokee citizen of his tribal rights; this applicant has done no one of the four; therefore, he should be enrolled.

CONCLUSION.

In conclusion, we, therefore, submit:

1. That Orville L. Thornton was a Cherokee citizen in 1882 and that this status continued for fifteen years, during his minority, or until May 29, 1897.
2. That since that time he has done no act which forfeits his citizenship in the Nation for the following reasons:
 - A. He never removed from the Nation within the meaning of the Curtis Act.
 - B. He had no property in the Nation or any place else and, therefore, did not remove his effects.
 - C. He did not become a citizen of any other government for two very good reasons, that he did not and he could not.
 - D. Until he was twenty-one years of age he had no intent and after becoming of age he used the first money he had with which to come to the Nation to make it his home, where he has continued to live.

Wherefore, applicant is clearly entitled to enrollment.

Respectfully submitted,

Harry G. Kimball & Wm. Henry White
Attorneys for Applicant.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1263.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 16, 1902, rejecting the application of Orville E. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Acting Chairman.

Enc. C. No. 7.

H. B. ...
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 1263.

Muskogee, Indian Territory, November 10, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Orville E. Thornton for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 4, 1902.

Respectfully,



Acting Chairman.

HARRY G. KIMBALL.
WILLIAM HENRY WHITE.

~~KIMBALL & WHITE.~~
Attorneys at Law,
COLUMBIAN BUILDING, 416 5TH ST., N. W.,
Washington, D. C.

September 15, 1903.

W. W. Hastings, Esq.,
Muscoogie, Ind. Ter.

Dear Sir:

We enclose herewith carbon copy of motion for review and
brief on behalf of applicant in re application of Orville F.
Thornton for enrollment as a citizen of the Cherokee Nation, which
we have filed in the Department.

Yours very truly,



Refer in reply to
the following:
59260--1902
59152--1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Nov. 7, 1903.

The Honorable, :

The Secretary of the Interior.

Sir:

Referring to Department letter of October 4, 1902 (ITD 5871), there is enclosed herewith a communication from Kimball and White, of this city, dated September 15, 1903, filing a motion for a review and rehearing, with brief in support thereof, in the matter of the application of Orville E. Thornton for enrollment as a citizen of the Cherokee Nation.

The record in this case shows that this applicant first came to the Cherokee Nation with his parents in 1880; that on September 25, 1882, he and his parents were admitted to citizenship in the Cherokee Nation; that he is identified by the 1896 census roll; that soon after his admission in ,882 he went to Iowa with his parents; that his mother died enroute to the home of her parents in Iowa; that soon after her death the applicant was placed in the care and custody of his grandparents; that his father, George W. Thornton, returned to the Intian territory where he has since resided; and that this applicant did not return to the Cherokee Nation until February, 1900.

-2-

Inasmuch as the decision of the Department in this case was rendered prior to the decisions in the Yeargain and Shirley cases, and before the opinion of the Assistant Attorney General of July 8th last, it is believed that the motion should be allowed.

In connection herewith attention is respectfully invited to office report of October 7th last transmitting a report from the commission dated September 1st requesting that the record in this case be returned to it for a readjudication of its decision.

Very respectfully,

W. A. Jones,

Commissioner.

GAW-S

D C 7572-1904.

DEPARTMENT OF THE INTERIOR,

IP

I.T.D. 5871-1902.
8018-1903.

WASHINGTON.

THE
March 8, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 4, 1902, the Department affirmed your decision rejecting the application for the enrollment of Orville E. Thornton, as a citizen of the Cherokee Nation by blood, you having rejected the application in accordance with the interpretation placed at that time upon paragraph 9 of section 21 of the act of June 28, 1898 (30 Stats, 495).

On September 21, 1903, you requested that this case, among others, be returned to you for readjudication, in accordance with the action of the Department in the Yeargain case.

With letter of November 7, 1903, the Commissioner of Indian Affairs submitted a motion by the applicant for review in this matter. In submitting said motion the Commissioner recommends that in view of the action of the Department in similar cases, and of the opinion of the Assistant Attorney General of July 8, 1903, approved by the Department, that the motion for review be allowed.

It appears that Thornton is a Cherokee by blood; that he came to the Cherokee Nation from Iowa with his parents in 1880; that on September 25, 1882, he and his parents were duly admitted to citizenship in said Nation. It is shown that the applicant's parents returned with him to the state of Iowa just after their admission to citizenship, for a temporary absence from the Indian Territory be reason of the ill health of his mother, who died enroute to the home of her parents; that immediately after her death the applicant, who was about six years of age, was placed by his father in the care and custody of his grandparents, and his father returned at that time to the Indian Territory, where he has resided since. The applicant remained with his grandparents during his minority, and was frequently visited by his father, who regularly contributed to his support. He returned to the Nation in February, 1900.

As the Department considers the residence of the father the residence of the child during his minority, and as it is not shown that the applicant became a citizen of any other government than the Cherokee Nation, it is not deemed necessary to remand the case. The decision of October 4, 1902, is rescinded, and your decision of July 16, 1902, rejecting the application, is hereby reversed, and you are authorized to enroll the applicant, in the absence of any other objection.

A copy of the Commissioner's letter of November 7, 1903, is inclosed.

Respectfully,

1 inclosure.

(Signed) Thos Ryan, Acting Secretary.

COMMISSIONERS
TAMM BIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE,
W E STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-752

ADOLPH L AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, March 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 3, 1904, the Secretary of the Interior rescinded and reversed the former action of the Department affirming the decision of the Commission denying the application for the enrollment of Orville E. Thornton, Cherokee R-752, and ordered that he be enrolled as a citizen of the Cherokee Nation in the absence of any further objection to such enrollment.

The applicant has this day been notified of the Department's action.

Respectfully,



GRS

Commissioner in Charge

INDEX APPLICATION

~~Wm. W. W.~~

Original testimony Oct 4 1900

Memo of app. heard Oct 4 1900

Receipt for testimony

Supplementary test Oct 11, 1901

Order Wm. W. W. Jan 4 1902

Notice of final consideration, 2/25/02

Orig. Wm. W. W.

[Faint, mostly illegible handwritten notes and signatures]

Cher D 1264

Cher D 1264

dictated and sworn to before me this 22nd of January, 1901.

Brown McDonald as stenographer.
I, the undersigned, as stenographer, having been sworn by
said office of St. Louis, and original transcript for the enrollment of
testimony in the matter of the subjugation for the enrollment of the
in a full, true and correct copy of the original transcript of the
civilized tribes, upon my oath and that the above and foregoing
I, the undersigned as stenographer to the Commission to the Five

Commissioner.
J. M. Needham

a.

Witness I. T.
dictated and sworn to before me this 22nd of January, 1901, at

Brown McDonald.
CHAMAN

in a full and complete transcript of the original notes thereof
of the testimony and proceedings in the case, and that the foregoing
to the Commission to the Five Civilized Tribes, and that the record
The undersigned being first duly sworn, deposes that as stenographer

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 24 1901

John Smith

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. August, 31, 1900.

In the matter of the application of ~~James~~ **Jane** Stille for the enrollment of herself and children as citizens of the Cherokee Nation, said Stille being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Jane Stille.
Q Your age? A. 40.
Q What is your post office address? A. Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A. By marriage I am—I am a Cherokee blood woman too.
Q Do you want to enroll this morning? A. Children and myself.
Q You say you are not on the rolls of the Cherokee Nation except by intermarriage? A. That is all I reckon.
Q What was your husband's name? A. Noah Stille.
Q Is he living? A. No sir.
Q What is his father's name? A. Jack Stille.
Q Is he living? A. No sir.
Q What is his mother's name? A. Kate Seabolt.
Q Is she living? A. No sir.
Q Have you any certificate of marriage? A. No sir.
Q When were you married? A. 21 years ago.
Q Have you any children under 21? A. Yes sir.
Q What is the name of the oldest one? A. Levi, 19 years old
On 1896 roll, page 906, number 1870,
Q The next one? A. Martha, 17 years old.
On 1896 roll, page 906, number 1871,
Q The next child? A. Ida, 13 years old.
On '96 roll, page 906, number 1872,
Q The next child? A. Elias, ten years old.
On '96 roll, page 906, number 1873.
Q Are these children all alive and living with you? A. Yes sir.
Q What was your name before you were married to Noah Stille? A. Goings

Your application for enrollment as a citizen of the Cherokee Nation will be refused, for the reason that under the Act of Congress approved May, 31, 1900, the Indian Appropriation Bill, this Commission has no authority to receive, consider or make any record of the application of any person for enrollment as a citizen of any tribe in the Indian Territory who has not been duly enrolled or admitted as such. Said law further provides that the refusal of this Commission to entertain your application shall be final when approved by the Secretary of the Interior.

The Commission will transmit this decision, denying your application for enrollment to the Honorable Secretary of the Interior for his approval when the final rolls of citizens of the Cherokee Nation are sent to him for consideration and approval; and besides from the records of the Dawes Commission, it appears that you applied for admittance as a Cherokee citizen before said Commission, on the 7th day of September, 1896. Your application was refused and appeal taken to the United States Court, Northern District, and the decision of the Commission was sustained by said Court. Dawes Commission case #4482, Court number 193.

The names of your children for whom you apply, Levi, Martha, Ida and Elias, appear upon the census rolls of 1896, but upon examination of the records it is found that you applied to have said children admitted to citizenship on the 7th day of September, 1896. Your application for the admittance of said children was denied, that you through your attorney took an appeal to the United States Court Northern District, and the judgment of the Court sustaining the decision of the Commission refusing to admit your children to citizenship. This found on the record of the Dawes Commission #4482, and the record of the United States Court as case #193. Therefore, the application for the admittance of your said children is refused. The decision of the Court to be final under the law.

Jane Stille 2.

The undersigned being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof

Brown McDonald.

Subscribed and sworn to before me this 7th day of September, 1900, at Muskogee, I. T.

T. B. Needles,
Commissioner.

I, the undersigned as stenographer to the Commission to the Five Civilized Tribes, upon my oath state that the above and foregoing is a full, true and correct copy of the original transcript of the testimony in the matter of the application for the enrollment of Jane Stille et al, said original transcript having been made by Brown McDonald as stenographer.

Subscribed and sworn to before me this 23rd of January, 1901.

Chas. von Weizel
T. B. Needles
Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

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Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

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Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

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Names of Children:

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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 6, 1902.

In the matter of the application of Jane Stille for the enrollment of herself and children as citizens of the Cherokee Nation.

Upon a review of the testimony had in the matter of the application of the said Jane Stille et al, it is found that they were placed on a Cherokee memorandum by reason of the fact that they were rejected by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, and that the decision of the Commission was sustained when an appeal was taken to the United States Court for the Northern District of Indian Territory. The judgment of the United States Court in this case reads as follows:

"From this report (master's report) it appears that the applicants based their right to be enrolled as citizens of the Cherokee Nation upon the statement that Jane Still, the principal claimant, is the daughter of Martin and Amanda Goings, who it is claimed were Cherokee Indians by blood and alleged to have been citizens of the Cherokee Nation; but the proof is unsufficient to establish the contention of the claimants that they are of Cherokee Indian blood, and that any of their ancestors were ever enrolled as citizens of the Cherokee Nation either before or after the removal of said Nation west to its present location."

"The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants to be enrolled as citizens of the Cherokee Nation is denied."

It would appear from the foregoing judgment that this application made in 1896 was based upon the Cherokee blood of the mother, Jane Stille, and all were denied because it was not shown that she was a Cherokee by blood. The present application appears to be based, so far as the applicant is concerned, on intermarriage and not as a citizen by blood, as was claimed in 1896.

Upon a review of the testimony had in the matter of this application it appears that the applicant stated that her husband was Noah Stille, a Cherokee Indian, and that his father was Jack Stille, also a Cherokee Indian. An examination of the 1880 roll discloses the fact that Noah Stille is identified thereon as follows: (1880 roll, page 584, No. 1776, a native Cherokee; and that his father, Jack Stille, appears on said roll on page 584, No. 1773, a native Cherokee. If the marriage of the applicant, Jane Stille, to her husband, Noah Stille, is proven, it would appear that the applicant should be enrolled, as it should be borne in mind that the present application to the Commission is not based upon the Cherokee blood of the applicant, but by reason of her marriage to her husband, Noah Stille, who is duly identified on the Authenticated Roll of 1880.

The applicant's children, Levi, Martha, Ida, and Elias Stille, are all duly identified on the Cherokee Census Roll of 1896, and their names have been placed on rejected card No. R. 80; while the mother, Jane Stille, has been placed on Memorandum Case No. 47.

In view of the foregoing facts, it is directed that Memorandum Case No. 47, being that of Jane Stille, and Cherokee rejected card No. 80, being that of her children, be cancelled, and that their names be transferred to a doubtful card, awaiting further consideration by the Commission; also that the applicant, Jane Stille, be requested to furnish the Commission with evidence of her marriage to her husband, Noah Stille; also whether either she or the said Noah Stille were previously

2.

married, and whether they continued to reside together as husband and wife until the death of the said Noah Stille; and whether the applicant, Jane Stille, has since the death of her husband remarried.

T. R. McGuire

Commissioner.

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COMMISSIONER'S OFFICE
ALBANY, N. Y.

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C. D-1264.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Jane Stille for the enrollment of herself and children as citizens of the Cherokee Nation.

Appearances:

W. F. Rampenthal, attorney for applicant.

W. W. Hastings, attorney for Cherokee Nation.

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 22nd day of March, 1902. The claimant this day, to-wit: the 22d day of March, 1902, appears by her attorney, W. F. Rampenthal.

HENRY MILLER, being first duly sworn, and being examined, testified as follows:

MR. RAMPENTHAL: State your name. A Henry Miller.

Q What is your post office address? A Webbers Falls.

Q Are you a Cherokee citizen? A Yes sir.

Q Are you acquainted with Jane Stille? A Yes sir.

Q How long have you been acquainted with her?

A I have been acquainted with her for about 27 years.

Q State if you knew her husband? A Yes sir.

Q What is his name? A Noah Stille.

Q How far back does your acquaintance date with him?

A About 27 years.

Q Do you know whether or not he lived with Jane Stille and claimed her as his wife? A Yes sir, they lived together as man and wife.

Q How long, of your own knowledge, did they live together as man and wife?

A Since 1884 up until he died, seven or eight years ago. I don't remember exactly.

Q About eight years ago? A I think so.

Q Live in the same house? A Yes sir.

Q Recognized as man and wife? A Yes sir.

MR. HASTINGS: Do you know whether they were married or not? A No sir.

Q Do you know whether they were ever married? A No sir, I don't.

Q Do you know whether he was ever married before? A No sir.

Q How long did you know him before that? A About 27 years in all.

Q Did you know her long before that? A Yes sir, both about the same length of time.

Q Any reason to believe that either of them were married before?

A No sir.

The attorney for the applicant is granted ten days in which to furnish certificate of marriage of Jane Stille and Noah Stille, and this this exception the attorney for the applicant and the representative of the Cherokee Nation present submit the case. Same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof. *Wm Hutchinson*

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3. The Commission has also received information from the Republic of Turkey that the Turkish Government has decided to send a delegation to the Commission to discuss the possibility of a joint Turkish-Soviet mission to the Commission.

It is not only the fact that the

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

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1. The first of these is the fact that the Government has been unable to secure the necessary funds to carry out its policy of maintaining the value of the pound at its pre-war level. This has been due to a variety of factors, including the fact that the Government has been unable to secure the necessary foreign exchange to finance its policy.

It was found that the effect of the treatment was to increase the number of eggs laid by the females and to increase the number of eggs which survived to the hatching stage.

10. The Commission has also received information from the Government of the Republic of the Congo that the Government has been unable to identify the persons who have been arrested and detained in the past.

A Why I got this lawyer John Ross, I believe, to write over for it but I never could hear from it any more.

Q Do you know whether it was recorded ?

A He said he didn't believe it was, for at that time they never did record marriages between Cherokee people. I paid him a dollar to write.

Q How long have you lived in the Cherokee Nation ?

A Ever since I was eleven years old.

Q Have you lived in the Cherokee Nation all the time since you and Noah Stille were married ? A Yes sir.

Q Up to the present time ? A Yes sir.

Q Are these children, Levi, Martha, Ida and Elias your children by Noah Stille ? A Yes sir, these are my children and Noah's.

Q Are they all living at this time ? A Yes sir.

Q Have they lived in the Cherokee Nation all their lives ?

A All their lives.

Q It seems that you have never filed any proof of your marriage to Noah Stille ?

A Well, the people is dead that saw us married, I have never found but one person who saw it, and she was so small she don't remember it. It was George Redbird's daughter, and she was too small to know it. I can find plenty of people that knows we lived together, and that we went off to get married.

The Commission: It will be necessary for you to get a copy of that certificate of record, if possible, and if not, you will have to produce witnesses who knew that you lived together as man and wife; and, if possible, witnesses who saw you married, and who know that you did marry.

A That lawyer said he would send it here if it was recorded at Tahlequah.

The Commission: It will also be necessary for you to introduce some testimony to show that this last man that you married had a living wife when you and he married, because if you married a white man afterwards legally, why you forfeited your rights to citizenship. Of course if that marriage was void.

A My children now know that he didn't stay no time after his brother come, and went away.

Q Who is this child Ivy M. McDowell ?

A That's my grand-daughter.

Q Is that child living ? A There she is. (Witness points to a child in the room).

Q That's her is it ? A That's her.

Q Who is the mother of that child ? A MarthanStille, Martha McDowell now.

Q So that's mistaken information given here that that child is dead ? A This is the only child she ever had. I would like to know who did that. It's the only child she ever did have.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this November 5, 1902.

W. C. Jones
Notary Public.

Cher
Supp'l to # D 1264

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., October 14, 1902.

In the matter of the application of JANE STILLE, for the enrollment of herself as a citizen by intermarriage, and her children, LEVI, MARTHA, IDA and ELIAS STILLE, and her grand-daughter IVY M. McDOWELL, as citizens by blood of the Cherokee Nation:

JANE STILLE, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Jane Stille.
Q What is your age Mrs. Stille ? A Forty three.
Q What is your post office address ? A Campbell.
Q Did you use to live in Muskegee ? A Yes sir.
Q Are you an applicant before the Commission for enrollment as an intermarried citizen ? A Yes sir; I have married since my husband died.
Q Before you were an applicant ? A Yes sir.
Q Now what was your Cherokee husband's name ? A Noah Stille.
Q When were you married to Noah Stille ? A It will be twenty four years the 2nd day of next January.
Q Where were you married to him ? A At Judge Thornton's about
Q In the Cherokee Nation ? A Yes sir. Judge Thornton married us.
Q Had you ever been married before your marriage to Noah Stille ? A No sir.
Q Was he your first husband ? A Yes sir.
Q Had he ever been married prior to his marriage to you ? A No sir.
Q You were his first wife ? A Yes sir.
Q Is he living or dead ? A He is dead.
Q How long has he been dead ? A Eight years.
Q Did you and he live together all the time as husband and wife from the time of your marriage to the time he died ? A Yes sir.
Q Never were separated during his lifetime ? A No sir.
Q Since his death have you married again ? A Yes sir.
Q When did you marry this last time ? A Three years ago.
Q What is your present husband's name ? A Barney Brail.
Q Is he a citizen by blood of the Cherokee Nation ? A No sir.
Q What is his blood ? A I don't know; Irishman I guess.
Q A white man is he ? A Yes sir. He had a wife and two children in Michigan, and we got married, and pretty soon his brother come and told me about it, and I turned him off, and he went back to them.
Q So that, at the time you married Barney Brail he had a living wife that he was not divorced from ? A Yes sir, his brother told me he wasn't. His brother went back with him.
Q So, in reality, you have never been married to anybody since Stille died ? A No sir.
Q Who performed the ceremony between you and Stille ? A Judge Thornton.
Q Was he Judge of a Cherokee court ? A Yes sir.
Q Did he give you a marriage certificate ? A No sir, but he paid him to record our marriage
Q Have you ever made an effort to get a copy of the record ?

A Why I got this lawyer John Ross, I believe, to write over for it but I never could hear from it any more.

Q Do you know whether it was recorded ?

A He said he didn't believe it was, for at that time they never did record marriages between Cherokee people. I paid him a dollar to write.

Q How long have you lived in the Cherokee Nation ?

A Ever since I was eleven years old.

Q Have you lived in the Cherokee Nation all the time since you and Noah Stille were married ? A Yes sir.

Q Up to the present time ? A Yes sir.

Q Are these children, Levi, Martha, Ida and Elias your children by Noah Stille ? A Yes sir, these are my children and Noah's.

Q Are they all living at this time ? A Yes sir.

Q Have they lived in the Cherokee Nation all their lives ?

A All their lives.

Q It seems that you have never filed any proof of your marriage to Noah Stille ?

A Well, the people is dead that saw us married, I have never found but one person who saw it, and she was so small she don't remember it. It was George Redbird's daughter, and she was too small to know it. I can find plenty of people that knows we lived together, and that we went off to get married.

The Commission: It will be necessary for you to get a copy of that certificate of record, if possible, and if not, you will have to produce witnesses who knew that you lived together as man and wife; and, if possible, witnesses who saw you married, and who know that you did marry.

A That lawyer said he would send it here if it was recorded at Tahlequah.

The Commission: It will also be necessary for you to introduce some testimony to show that this last man that you married had a living wife when you and he married, because if you married a white man afterwards legally, why you forfeited your rights to citizenship. Of course if that marriage was void.

A My children now know that he didn't stay no time after his brother come, and went away.

Q Who is this child Ivy M. McDowell ?

A That's my grand-daughter.

Q Is that child living ? A There she is. (Witness points to a child in the room).

Q That's her is it ? A That's her.

Q Who is the mother of that child ? A MarthanStille, Martha McDowell now.

Q So that's mistaken information given here that that child is dead ? A This is the only child she ever had. I would like to know who did that. It's the only child she ever did have.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this November 5, 1902.

B. C. Jones
Notary Public.

Q. Now, did you know him, Mr. [Name]?

A. Yes, I did.

Q. Did you know him when he was in the [Location]?

A. Yes, I did.

Q. Did you know him when he was in the [Location]?

A. Yes, I did.

Q. Did you know him when he was in the [Location]?

A. Yes, I did.

Q. Did you know him when he was in the [Location]?

A. Yes, I did.

Q. Did you know him when he was in the [Location]?

A. Yes, I did.

Q. Did you know him when he was in the [Location]?

A. Yes, I did.

Q. Did you know him when he was in the [Location]?

A. Yes, I did.

[Handwritten signature]

Q. Did you know him when he was in the [Location]?

A. Yes, I did.

[Handwritten signature]

Cher-D-1264.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 27, 1902.

In the matter of the application of Jane Stille for enrollment as a citizen by intermarriage of the Cherokee nation, and for the enrollment of her children, Levi, Martha, Ida and Elias, and her granddaughter, Ivy M. McDowell as citizens by blood of the Cherokee nation.

Jane Stille being first sworn and examined by the Commission, testified as follows:

- Q What is your name? A Jane Stille.
Q How old are you? A Forty-three.
Q What is your postoffice address at this time? A Campbell, I. T.
Q You are an applicant for enrollment as an intermarried citizen? A Yes.
Q What is your husband's name? A Noah Stille.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A Eight years--nine next December.
Q When were you married to Noah Stille? A 24 years ago.
Q Where? A At Garfield.
Q Cherokee nation? A Yes sir. Lewis Thornton married us; he was judge at the time.
Q You had no marriage certificate? A No sir.
Q You say you have a witness with you to prove your marriage? A To proved that he lived with me.
Q You and Noah Stille were never separated during his lifetime? A No.
Q You have married since? A Yes, but it wasn't a lawful marriage.
Q Who did you marry? A Barney Brail; he was married before, and has been married since.
Q When did you marry him? A Four years ago.
Q How did you know he was married before? A His brother told me; and he asked me if I knew Brail had a wife and two children and I told him I did not. And he said "Well, he has got a lawful wife and two little girls, and I am going to take him home", and he did so.
Q You have not had his brother before the Commission to testify? A No, it is three years ago, and I don't know where he is.
Q You don't know anything about Barney Brail's having a wife except what his brother said? A Only what his brother and him; and I learned since he said he was going to come and marry me and sell my place and go home to his family. The testimony will be here from Webbers falls today.
Q You don't know anything of your own knowledge? A Nothing, only when he came to me he had been drinking for a week, and he came home and the next morning he told me to get his clothes; that he was going to his family. My mother was dying at that time. I went and sacked his clothes us and handed them to him; that was the first day of October, three years ago.
Q Barney Brail was a white man, was he? A Yes sir.
Q And did not claim any rights as a Cherokee by blood? A No sir.
- Q-----

David Stille, called as a witness, being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A David Stille
Q What is your age? A 26.
Q Do you know Jane Stille? A Yes sir.
Q Is she a relative of yours? A My annt.
Q Did you know her husband, Noah Stille, during his lifetime? A Yes.

- Q How long did you know him. A All his life.
Q Do you know anything about his being married to Jane Stille? A I don't know when he was married?
Q Do you know anything about their living together as man and wife? A Yes
Q How long did they live together as man and wife? A Ever since I was big enough to recollect.
Q Were they always regarded in the community where they lived as man and wife? A Yes sir.
Q You was not present and saw them married? A No, I was not.

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Mrs. Stille, it will also be necessary for you to furnish additional testimony that your last husband had a living wife from whom he was not divorced at the time you married him.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 5th, 1902.

W. B. Jones
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 1 1902

CHIEF OF BUREAU

ACTING CHIEF

REPORT OF THE COMMISSION
TO THE FIVE CIVILIZED TRIBES
CHIEF OF BUREAU, NOV. 1, 1902.

In the matter of the petition of the Five Civilized Tribes
for the removal of the reservation to the Five Civilized Tribes
and the removal of the reservation to the Five Civilized Tribes.

RECOMMENDATION

From an examination of the petition of the Five Civilized Tribes
in connection of the Commission, it appears that the petition
contains the following information as follows:
1. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.
2. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.
3. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.
4. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.
5. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.
6. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.
7. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.
8. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.
9. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.
10. The Five Civilized Tribes, Cherokee, Chickasaw, Creek, Seminole, and
Muscogean, all in the State of Oklahoma.

CHIEF OF BUREAU
NOV 1 1902


Cherokee D 1264

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., OCT. 30, 1902.

In the matter of the application for the enrollment of
Jane Stille, Levi Stille, Martha Stille, Ida Stille, Elias Stille and
Ivy M. McDowell as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

From an examination of the tribal rolls of the Cherokee
Nation, in possession of the Commission, it appears that the appli-
cants are identified thereon as follows:

1880 roll, page 584, #1776, Noah Still, 21 years, in family of Jack
Stille, Illinois District.

1883 roll, page 70, #1362, Noah Still; #1363, Levi Still, both in
Illinois District.

1886 roll, page 74, #1469, Noah Still; #1470, Levi Still; #1471,
Martha Still; #1472, Lenora Still, all in Illinois District.

1890 pay roll, page 756, Nora Still; Levi Still, Martha Still, Ida
Still, all in Illinois District.

1894 Strip payment roll, #1808, Nora Still; #1809, Levi Still; #1810,
Martha Still; #1811, Ida Still, #1812, Elias Still; #1813, Charley
Still, all in Illinois District.

It is ordered that this statement be filed with and made a
part of the record in this case.


Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Levi, Martha (now Martha McDowell), Ida and Elias Stille, and her grandchild, Ivy M. McDowell, as citizens by blood of the Cherokee Nation.

CONCLUSION.

The record herein shows that on August 21, 1899, Jane Stille appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Levi, Martha (now Martha McDowell), Ida and Elias Stille, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on January 6, March 12, October 14, and October 27, 1902. On April 26, 1903, a marriage license was filed with the Commission showing that said Martha Stille was married to one Bob McDowell, on December 16, 1900, and on May 18, 1900, a duly approved birth affidavit was filed for Ivy M. McDowell, a child of that marriage.

The evidence shows that the said Jane Stille was lawfully married on January 2, 1878, to one Noah Stille, a citizen by blood of the Cherokee Nation. The said Noah Stille died in 1884, and in 1888 the said Jane Stille entered into the marriage relation with one Barney Brail, a white man, but it appears that the said Barney Brail, at the time of his marriage to Jane Stille, had a living wife from whom he was not divorced, and that such marriage was therefore void. It does not appear that the said Jane Stille has been married to any other person since the death of her husband, Noah Stille.

The evidence further shows that Jane Stille made application for herself and her said children, to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), to be admitted as citizens by blood of the Cherokee Nation, deriving her rights and those of her children through a Cherokee ancestor. Her said application was denied by the Commission, and on appeal to the United States Court in Indian Territory for the Northern District, the decision of the Commission was sustained.

It further appears, however, that the children of the said Jane Stille, who are the issue of her marriage to Noah Stille, are identified on the Cherokee tribal rolls as follows: Levi Stille on the Cherokee pay rolls of 1885, 1886, 1887 and the Cherokee census roll of 1890; Martha Stille on the Cherokee pay rolls of 1886 and 1887 and the Cherokee census roll of 1890; Ida Stille on the Cherokee pay roll of 1887 and the Cherokee census roll of 1890, and Elias Stille on the Cherokee pay roll of 1887.

It further appears that Noah Stille, the husband of said Jane Stille and father of the children embraced in this application, is identified on the Cherokee authenticated tribal roll of 1880. Since the rendition of the judgment of the United States Court denying the application for the admission of Levi, Martha, Ida and Elias Stille, as aforesaid, Congress has enacted additional legislation, the Act of Congress approved June 28, 1898 (30 Stats., 495), directing this Commission "to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon."

The evidence further shows that Jane Stille has resided in the Cherokee Nation ever since her marriage to Noah Stille, and that her children have resided in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that the right of Jane Stille to be enrolled as a citizen by intermarriage of the Cherokee Nation is not prejudiced by the denial of her application to be admitted as a citizen by blood, under the provisions of said Act of June 10, 1893 (28 Stats., 321), and that she should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the said Levi Stille, Martha McDowell (formerly Martha Stille), Ida Stille, Elias Stille and Frank McDowell, are entitled, as the descendants of a person whose name appears on the authenticated tribal roll of 1880, to be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of said section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Mustoge, Indian Territory,

this JAN 15 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., January 28th., 1903

Cherokee D-1264

IN THE MATTER OF THE APPLICATION OF JANE STILLE FOR THE ENROLLMENT
OF HERSELF AS A CITIZEN BY INTER-MARRIAGE, AND FOR THE EN-
ROLLMENT OF HER CHILDREN, LEVI, MARTHA (NOW MARTHA McDOW-
ELL), IDA AND ELIAS STILLE, AND HER GRAND-CHILDREN, IVA M.
McDOWELL, AS CITIZENS BY BLOOD OF THE CHEROKEE NATION.

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and respectfully protests against
the decision of the Commission to the Five Civilized Tribes rendered
in this case on January 15th., 1903, and asks that the record with
the testimony and decision of the Commission and this Protest, be for-
warded to the Honorable Secretary of the Interior for review.

Inasmuch as the evidence in this case shows that Jane Stille
made application for herself and her children to the the Commission to
the Five Civilized Tribes under the provisions of the Act of Congress,
approved June 10th., 1896, to be admitted as citizens by blood of the
Cherokee Nation, and that her said application was denied by this
Commission in 1896, and on appeal to the United States Court in the
Indian Territory, for the Northern District, where the decision of
this Commission was sustained, the Cherokee Nation asks fifteen days
additional time in which to file a brief upon the questions involved
in this case.

Respectfully submitted,

-- "Attorneys for the Cherokee Nation." --

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 4th., 1903.

IN THE MATTER OF THE APPLICATION OF JANE STILLER FOR THE ENROLLMENT
OF HERSELF AS A CITIZEN BY INTERMARRIAGE, AND FOR THE
ENROLLMENT OF HER CHILDREN, LEVI, MARTHA (NOW MARTHA
McDOWELL), IDA AND ELIAS STILLER, AND HER GRAND-CHILD,
IVY M. McDOWELL, AS CITIZENS BY BLOOD OF THE CHEROKEE
NATION.

D-1244.

BRIEF OF THE CHEROKEE NATION

On January 28th., 1903 the Cherokee Nation filed a formal
Protest against the decision of the Commission rendered on January
15th., 1903 in this case, and asked that the same be forwarded to
the Secretary of the Interior for review.

This is a very important case, and one that we commend to the
earnest consideration of the Secretary of the Interior because of
the principle involved.

This decision seeks to set aside a decision of the United States
Court for the Northern District of the Indian Territory rendered
in case No. 193, appealed from the Commission who denied the appli-
cant under the Act of June 10th., 1896.

In that case the mother applied as a Cherokee by blood for
herself and all of her children embraced in this application. This
question cannot be dodged, and it must be met fairly and squarely.
In some cases heretofore decided the Secretary of the Interior has
decided that if a person were denied in 1896 as a Cherokee by blood,
that he could now apply as a citizen of the Cherokee Nation by inter-
marriage, but no decision has yet been rendered enrolling a person
as a citizen by blood whose right was denied as a citizen by the
Commission under the Act of June 10th., 1896, and by the United States
Court upon appeal. At that time, we contend, it was the duty of the
applicant to introduce all of their proof tending to show that
they were entitled to be enrolled as citizens of the Cherokee
Nation by blood; If they claim through their mother, they should
submit the proof, and if they claim through their father, it was
their duty and the duty of their attorney (and the record shows that
they had one) to present the proof to the Commission, and to the court
upon appeal. In other words, it was their duty in 1896 to present
all the proof upon which they relied to be admitted as citizens of
the Cherokee Nation by blood; and in the event that they failed and
neglected to present any proof beneficial to their case, the fault
was their own, and they are bound by the decision. In other words,
it is res adjudicata.

Can it be said that a person can come before the Commission
at one time and claim under his maternal grandfather, and again under
his maternal grandfather, and, losing in both cases, claim under his
paternal grandfather, and, failing, finally claim under his paternal
grandfather? We think not. It was never the intention of the
Act of Congress to permit the Commission to go behind these judg-

ments except upon the ground of fraud, and this was the view of the Commissioner in the field when the present application was made, because he at that time rejected the application of Jane Stille, and recited the fact that she had applied to the United States Commission in 1896; that her application was denied; that she had appealed to the United States Court, and that the United States Court had decided that she was not a citizen of the Cherokee Nation.

Included in this application were the names of all her children applied for in this case, except that of her grandchild, which was born since. The Commissioner at that time further said:

"The application for the admission of your said child is refused. The decision of the court is final under the law".

It can readily be seen how important this decision is to the Cherokee Nation for in the event that the Secretary of the Interior holds that when a person applies as a Cherokee by blood and was rejected by the Commission, and by the court upon appeal, under the Act of June 10th., 1896, that it will open up perhaps five thousand cases that applied to the Commission under this Act of June 10th., 1896. Of course, each applicant will contend that he has got some additional or cumulative testimony which will tend to show that he is entitled to be enrolled as a citizen of the Cherokee Nation. We contend that it is evident that it was not the intention or the purpose of the Act of Congress to permit the Commission to re-open these judgments except upon the ground of fraud.

The court in 1896 said in this case upon appeal from the Commission:

"A judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants to be enrolled as citizens of the Cherokee Nation is denied".

It will be noted that the application of all of them was denied, and that under the law there was no appeal from this decision.

We contend that this case is res adjudicata.

Wells on Res Adjudicata, Sec. 5 and Sec. 6:

"The fundamental principle of the rule of Res Adjudicata is plainly that the decision of the court of competent jurisdiction is and ought to be final and a conclusive settlement of the questions involved in any particular controversy as to the parties concerned therein".

Sec. 6 states:

"An essential principle, also, is that the action of the court is conclusive, even if it can be shown to be erroneous, unless in a direct action to reverse the judgment by appeal".

Sec. 359 of the same work, quoting a Pennsylvania case, states:

"It may be a great misfortune, as in this case, that from causes, over which he had no control, the party may not have been properly prepared for trial. It is, however, a misfortune which this court cannot remedy, as the rule is settled on the principle that there must be an end of litigation".

Now in this case the Commission to the Five Civilized Tribes under the Act of June 10th., 1896, had exclusive and original jurisdiction over citizenship cases, and the United States Court for the Northern District of the Indian Territory had jurisdiction of these cases upon appeal, and the decision of the court was final. Now, the question involved was the right of these children to be enrolled as citizens of the Cherokee Nation by blood, the same question that is involved now; and it was between the same parties; and we do not see how the Secretary of the Interior can escape the fact that this was a final and binding judgment against this applicant.

In the case of Biscoe, et al. vs. Tucker, et al., 14th. Ark., 515, the court said:

"It would then be extraordinary if the Circuit Court possessed the power it assumed to exercise of decreeing after the remanding of the cause, that the loans to Tucker were exclusively upon personal security and not connected with the mortgage". The repose and good order of society demands that there should at some period of a cause, be an end of litigation".

This was upon a question of fact that had been previously decided; and the court very wisely thought the good order of society demanded an end of litigation., just as conditions in this country demand an end of citizenship business.

But the same decision goes on further to state:

"The verdicts of juries are none the less conclusive because they do sometimes determine a fact contrary to what may be the real truth. Upon the same principle, and no matter how injurious the conclusions may be, the parties in the appellate court may be bound by the submission of a cause upon a diminished record, according to which one has affirmed and the other denied that there is error. The appellate court with a deep sense of all the obligations resting upon it, may sometimes mistake the record, and will be liable to error in matters of law so long as men are liable to differ in opinion, but the decision in the particular case is forever the law of that case, and is conclusive not only to those points that appear of notice or decided by the opinion of this court, but of every question of law or fact presented upon the record, and which was necessary to have been decided in order to enable the court to arrive at such conclusions".

This decision, we think, clearly states the law correctly, and in fact, we have found no decision that seems to conflict with the law as stated by the court in this case.

The Supreme Court of the United States has passed upon this very question numerous times.

"A fact which has been directly tried and decided by a court of competent jurisdiction cannot be decided again collaterally between the same parties in the same or any other court".

Hopkins vs. Lee, 6 Wheat. 109.
Pen hallow vs. Deane, 3 Dall. 54.
Elliott vs. Peirzel, 1 Pet. 328.
Ex parte Watkins, 3 Pet. 193.
U.S. vs. Houser, 9 Pet. 3.
Bank of U.S. vs. Beverly, 1 How. 134.
Randall vs. Howard, 2 Black. 535.
Parrish vs. Ferris, 14. 606.
Florentine vs. Barton, 2 Wall. 210.
Cromwell vs. Sac. County, 94 U.S. 351.

Russell vs. Place, Id. 406.
Hornbuckle vs. Stafford, 111 U.S. 389.
Bryan vs. Kennett, 113 U.S., 179.

"Judgment upon the facts in issue, which appear upon the record, either expressly or by necessary intendment, or which are shown aliunde to have been in issue, is conclusive upon parties and privies as to such facts".

16 Howard. 114.

The United States Court upon appeal in 1896 decided that none of these applicants were entitled to be enrolled as citizens of the Cherokee Nation by blood, and this decision was final.

The testimony discloses now that Jane Stille applied as a citizen of the Cherokee Nation by inter-marriage. The testimony further shows that Noah Stille died several years ago, and that since that time the said Jane Stille was married to Barney Brail, a white man, and not a citizen of the Cherokee Nation, and we contend that even if Jane Stille had acquired rights by her marriage to Noah Stille, that she forfeited them under Section 666 of the Compiled Laws of the Cherokee Nation by her marriage to Barney Brail. True, she states that she heard that her second husband had been previously married, and that he hadn't been divorced from his first wife, but there is clearly no satisfactory proof upon this point. The evidence does not show where Barney Brail lived so that the Cherokee Nation could have gotten rebutting testimony, and we contend that the hearsay testimony of the applicant herself as to the former marriage of Barney Brail is entirely insufficient to entitle her to evade the ~~provisions~~ provisions of forfeiture contained in Section 666 of the Compiled Laws of the Cherokee Nation.

The questions involved in this case are of the most serious concern to the Cherokee Nation because if this judgment is opened up, we ~~must~~ do not know how many motions for rehearing will be made in other rejected cases decided upon the same grounds that they have additional testimony showing that they were entitled to be enrolled as citizens of the Cherokee Nation.

If these children claim through their father, it was their duty to present their full case to the Commission in 1896, and not to present it by piece-meal. The Commission in 1896 decided that they were not Cherokees by blood, and not entitled to be enrolled as citizens of the Cherokee Nation, and this decision was affirmed by the court; and we contend that it is binding now upon this Commission, and it was clearly not the intention of the Congress of the United States to disturb the judgments rendered under the Act of June 10th, 1896, except upon the ground of fraud, which has not been attempted to be shown in this case.

Respectfully submitted,

N. J. H. H. H.
Attorneys for the Cherokee Nation. -----

IN RE

Application for Enrollment of

INFANT CHILD

Ivey Myrtle McDowell

as a citizen of

Cherokee Nation.

Approved May 16, 1902.

T. B. Needles ,
Commissioner.DEPARTMENT OF THE INTERIOR,
Commission to the Five
Civilized Tribes.

F I L E D

May 16, 1902.

Tams Bixby,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Ivey Myrtle McDowell, born on the 24th day of December, 1901
(Here insert name of child.)
Name of Father: Bob McDowell a citizen of the United States Nation.
Name of Mother: Martha McDowell a citizen of the Cherokee Nation.
Post-office

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Martha McDowell, on oath state that I am 19 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Bob McDowell, who is a citizen, by of the United States Nation; that a female child was born to me on 24th day of December 1901, that said child has been named Ivey Myrtle McDowell, and is now living.

WITNESSES TO MARK: (Signed) Martha x McDowell
(Must be Two Witnesses.) { Jesse O. Carr mark
W. W. Wallace

Subscribed and sworn to before me this 5th day of May 1902.

John O. Rosson

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District,

I, Sarah Ensmenger, a midwife, on oath state that I attended on Mrs. Martha McDowell, wife of Bob McDowell, on the 24th day of December 1901; that there was born to her on said date a female child; that said child is now living and is said to have been named Ivey Myrtle McDowell.

WITNESSES TO MARK: (Signed) Mrs. Sarah Ensminger
(Must be Two Witnesses.) {

Subscribed and sworn to before me this 5th day of May 1902.

John O. Rosson,

NOTARY PUBLIC

81264

McDonnell

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 26 1902

as

Chief of the Cherokee Nation.

ACTING CHIEF

Commissioner.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, **Charles A. Davidson**, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the **24** day of **Dec** **1900**, at **Ark**, M., and duly recorded in Book **4**, Marriage Record, Page **436**.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this **19** day of **March**, A. D. **1901**.

(Signed) **Chas. A. Davidson** Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., **April 22**, 190**2**.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of **Bob McDowell** as citizen of the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 26 1902

Commissioner.

51264

101264

(17)

MARRIAGE LICENSE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT.

No. 1400

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
Mr. Bob McDowell, of Campbell, in
the Indian Territory, aged 25 years, and M iss Martha Still,
of Campbell, in the Indian Territory, aged 18 years,
according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 7th day of

December A. D. 1899 ~~1900~~

(SEAL)

(Signed) Chas A. Davidson,
Clerk of the U. S. Court.

By (Signed) P. M. Ford Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT,

I, Jas. F. Weeny, a Minister of the Gospel, DO HEREBY CERTIFY,
that on the 16 day of Dec, A. D. 1900, I did duly and
according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
of Matrimony between the parties therein named.

WITNESS my hand this 16 day of Dec 1900 A. D. ~~1901~~

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book A, Page 188.

(Signed) James F. Weeny
A Minister of the Gospel.

COMMISSIONERS
HENRY L. DAWES
TANS BIXBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
CherokeeD-126*

Muskogee, Indian Territory, **March 3,** 1902.

Mrs. Jane Stille,

Muskogee, Indian Territory,

Madam:-

You are hereby notified that the application of **yourself and four minor children**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage to Noah Still.

Register

Yours truly,

Acting Chairman.
Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS H. NEEDLE
W. BRACKENRIDGE

ALLEN L. AYLSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERENCE TO FOLLOWING

Muskogee, Indian Territory, April 9, 1902.

Mr. Robert McDowell,
Campbell, Indian Territory,

Dear Sir:

The Commission is in receipt of birth affidavit in the matter of the application for the enrollment as a citizen of the Cherokee Nation of Ivy M. McDowell, infant child of yourself and Martha J. McDowell.

It appears from this affidavit that you are a non citizen of the Cherokee Nation and that the child claims its right to enrollment through its mother.

The records of the Commission do not show that any application has been made for the enrollment of the mother of this child under the name of Martha J. McDowell, and it is presumed that she has been married since the date of her application for enrollment.

You will please advise the Commission when, where and under what name Martha J. McDowell was listed for enrollment as a citizen of the Cherokee Nation.

Yours truly,

Commissioner in Charge.

Cherokee D-1864

Muskogee, Indian Territory, May 14, 1902.

Bob McDowell,

Campbell, Indian Territory,

Dear Sir:

The Commission is in receipt of duly executed birth affidavit in the matter of the application for enrollment as a citizen of the Cherokee Nation of your infant child Ida Myrtle McDowell.

Before the affidavit as to the birth of this child can receive further consideration by the Commission, it will be necessary that you file your original marriage license and certificate, for the reason that the mother of this child is a white woman.

Please give this matter your prompt attention.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON AYLESWORTH.
SECRETARY

912
In reply refer to
Cherokee D 1264.

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 13, 1902.

Mrs. Jane Stille,
Muskogee, Indian Territory.

Madam:-

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that you submit to this Commission additional testimony, to-wit: first, a certified copy of your marriage license, together with a certificate of your marriage to Noah Stille; second, whether you continued to reside with him as his wife until the time of his death; third, whether you and your husband, or either of you, were previously married; fourth, whether you have re-married since his death.

This testimony must be furnished on or before July 1st, 1902.

Yours truly,


Commissioner in Charge.

Register.

Cherokee D 1264.

Muskogee, Indian Territory, September 11, 1902.

W. F. Rampendahl,

Attorney for Jane Stille,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that Jane Stille has this day been notified to appear before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, within fifteen days from date hereof, and introduce evidence as to her marriage to Noah Stille; also, whether she continued to reside with him until his death, whether either of them was ever previously married and whether she has, since the death of her husband, Noah Stille, remarried.

It will also be necessary that she introduce proof as to her residence, as well as the residence of her children, on June 28, 1898, and prior thereto.

Yours truly,

Acting Chairman.

Cherokee D 1264.

Muskogee, Indian Territory, September 11, 1902.

Jane Stille,

Care of Martha McDowell,
Campbell, Indian Territory.

Dear Madam:

You are directed to appear before the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, within fifteen days from date hereof, and introduce evidence as to your marriage to Noah Stille; also, whether you continued to reside with him until his death, whether either you or your husband were ever previously married and whether you have, since his death, remarried.

It will also be necessary that you furnish the Commission with evidence as to your residence, as well as the residence of your children, on June 28, 1898, and prior thereto.

You will find enclosed herewith blank form of affidavit which you are desired to have properly executed as to the death of your child, Ivy M. McDowell.

Yours truly,

Acting Chairman.

Enc. 1 D. C.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-1264.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 15, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Levi, Martha (now Martha McDowell), Ida and Elias Stille, and her grand-child, Ivy M. McDowell, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Commissioner in Charge.

Enc. H-2.

Vinita, Indian Territory, February 3, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of January 31, the
original jackets and records in the following cases are transmitted
herewith:

Cherokee D- 565,	Katie Brown, et al.,
" D- 566,	Jane Hill, et al.,
" D-1264,	Jane Stille, et al.

Respectfully,

Clerk in Charge.

Encl-S-74

GRS

COPY.

Cherokee D-1264

Muskegee, Indian Territory, February 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her four minor children, Levi, Ida and Elias Stille and Martha McDowell, and her grandchild, Ivy M. McDowell, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated January 15, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Acting Chairman.

Enc. M-33

Through the

Commissioner of Indian Affairs.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-1264

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her four minor children, Levi, Ida and Elias Stille and Martha McDowell, and her grandchild, Ivy M. McDowell, as citizens by blood of the Cherokee Nation, together with the Commission's decision, dated January 15, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated January 28, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

COPY.

Cherokee D-1264

Muskogee, Indian Territory, February 7, 1903.

Jane Stille,

Campbell, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your four minor children, Levi, Ida and Elias Stille and Martha McDowell, and your grandchild, Ivy M. McDowell, as citizens by blood of the Cherokee Nation, together with the Commission's decision, dated January 15, 1903, granting your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

Enc. M-32
Register.

COPY

Cherokee D-1264

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application for the enrollment of Jane Stille et al., as citizens of the Cherokee Nation, case number D-1264, the record and decision in which case were transmitted to the Department on February 9, there has this day been filed with the Commission the brief of the Cherokee Nation, a copy of which is enclosed.

Respectfully,

Acting Chairman.

Enc. M-273

Through the

Commissioner of Indian Affairs.

COPY.

Refer in reply to
the following:
Land.

10837-1903.

11753-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 2, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith report from the Commission to the Five Civilized Tribes, dated February 7, 1903, transmitting the record relative to the application of Jane Stille, et al., for enrollment as citizens of the Cherokee Nation; also, a report from the Commission dated February 14, 1903, transmitting brief of the Cherokee Nation in the case.

Jane Stille applies for the enrollment of herself as an inter-married citizen, and for the enrollment of her children, Levi, Martha, Ida, and Elias Stille, as citizens by blood of the Cherokee Nation.

December 16, 1900, Martha Stille was married to Bob McDowell, and on December 24, 1901 a child, the issue of said marriage, Ivy M. McDowell, was born. This child is properly identified by birth affidavit.

The record shows that Jane Stille was lawfully married to Noah Stille, a citizen by blood of the Cherokee Nation, January 2, 1879; that Noah Stille died in 1894, and that in 1899 she married Barney Brail, a white man.

From the evidence in the case it appears that Barney Brail had living at the time of his marriage to Jane Stille a wife from whom he had not been divorced. It does not appear that Jane Stille has married any person other than Barney Brail since the death of Noah Stille.

The record shows that in 1896 Jane Stille applied to the Commission for the enrollment of herself and her children, under the provisions of the act of June 10 of that year; that her application was denied; that an appeal was taken to the United States Court for the Northern District of Indian Territory, and that the decision of the Commission was sustained.

The record shows, however, that the children of Jane Stille and Noah Stille are identified on Cherokee tribal rolls as follows: Levi, on the pay rolls of 1883, 1886, 1894 and the census roll of 1890; Martha, on the pay rolls of 1886, 1894 and the census roll of 1890; Ida, on the pay roll of 1884 and the census roll of 1890; Elias, on the pay roll of 1894. The name of the father of these children appears on the 1880 roll, and the Commission invites attention to the fact that since the decision of the United States Court in the Jane Stille case, the act of June 28, 1898 was approved, which directs the Commission "to enroll all persons now living whose names are found on said roll (meaning the 1880 roll), and all descendants born since the date of said roll to persons whose names are found thereon".

Jane Stille appears to have resided in the Cherokee Nation since

her marriage to Neah Stille, and the children have resided there all their lives.

The Commission held that Jane Stille should be enrolled as an intermarried Citizen, and that the children are entitled to enrollment as citizens by blood of the Cherokee Nation.

The Commission's decision of January 15, 1903, was prior to the Department's letter of February 24, 1903, submitting the question of the right of intermarried citizens to enrollment, to the Court of Claims, and it is respectfully recommended that the right of Jane Stille to enrollment as an intermarried citizen be not passed upon until such time as the Court of Claims shall have made findings and rendered an opinion on the question submitted to it.

The Attorney for the Cherokee Nation takes the position that the right of these people was adjudicated by the Court, and that that decision is final and binding. He says that if the minor applicants claim through their father it was their duty to present their full case to the Commission in 1896; that the Commission and the Court held that they were not entitled to enrollment, and that the judgment of the court should not be disturbed, except upon the ground of fraud, which the applicants have not attempted to prove.

In connection herewith attention is respectfully invited to Department letter of May 21, 1903, (ITD 4398), relative to the right of Wiley Adams to enrollment as a citizen of the Choctaw Nation. Adams, who is a white man, appeared before the Commission in 1896, for admission to citizenship. His application was denied and an appeal was taken to the Court.

Attention is also respectfully invited to the opinion of the Assistant-Attorney-General, dated March 17, 1899, (ITD 948-1898), in which he says that the approval by the Department being necessary to give finality to the rolls, clothes the Department with legal discretion and authority in granting or withholding its approval, and that the Secretary "has a power of supervision and review over the "action of the Commission in preparing the rolls. This power of "supervision and review extends to everything done by the Commission "in the way of placing names upon or withholding names from the rolls, "which depends for its final sanction and effect upon the approval "of the rolls by the Secretary of the Interior, but it does not include or authorize a re-examination of a decision of the Commission "from which an appeal to the Court was provided for, and which therefore became final in the absence of such appeal, nor does it include "or authorize a re-examination of a decision of the Court upon such "an appeal. It does however enable the Secretary to see that any "individual entitled to enrollment under any such final decision is "placed upon the roll, and that any name placed thereon in disregard "of any such final decision is stricken therefrom."

Under a literal, technical interpretation of the opinion mentioned, it would seem that the decision of the Court in 1896 was final, but attention is respectfully invited to the fact that the law, - Section 21 Curtis act- specifically confirms the 1860 roll of the Cherokee Nation; says that it is the only roll intended to be confirmed, and directs the Commission to enroll all persons "now living

"whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon."

This act, as stated by the Commission, was passed after the Court had rendered its decision in 1896, and prior to the Assistant Attorney-General's opinion of March 17, 1899.

The record does not show whether it was shown in 1896 that the name of Noah Stille, father of the minor applicants, appeared on the 1880 roll.

As was said by the Assistant Attorney General, it is the duty of the department to see that the names of all persons entitled to enrollment are placed upon the final rolls, and that no name is placed upon such rolls unless the person is entitled to enrollment. There would be no question as to the right of these children to enrollment if it were not for the decision of the Court in 1896. They were entitled to enrollment in 1896, under the law as it then existed, and are entitled to enrollment under existing law, unless barred by that decision. They are of Cherokee blood; their father was a recognized citizen of the Cherokee Nation, and as such duly and lawfully enrolled, upon the roll of the Cherokee Nation, which was specifically confirmed by the Curtis act.

In view of the foregoing, and believing that the law imposes upon you the duty to see that all persons entitled to enrollment are enrolled, this office is of the opinion that these minor applicants are entitled to enrollment, and the approval of the Commission's decision, in so far as it relates to them, is recommended, they being entitled to enrollment under existing law, as descendants of a person whose name appears on the 1880 roll of Cherokee citizens.

GW-0;

Very respectfully, W. A. JONES, Commissioner.

D.C.2214-1904.
I.T.D.72-1904.
LRL.

(Copy)

W.C.P.
FHE.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, January 14, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 7, 1903, you transmitted the record of proceedings had in the matter of the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her four minor children, Levi, Ida and Elias Stille and Martha McDowell, and her grandchild, Ivy M. McDowell, as citizens by blood, of the Cherokee Nation, including your decision of January 10, 1903, granting said application.

It appears, as stated in your decision, that on August 21, 1900, Jane Stille appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Levi, Martha (now Martha McDowell), Ida and Elias Stille, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on January 6, March 22, October 14, and October 27, 1902. On April 26, 1902, a marriage license was filed with the Commission showing that said Martha Stille was married to one Bob McDowell, on December 16, 1900, and on May 16, 1902, a duly approved birth

affidavit was filed for Ivy K. McDowell, a child of that marriage.

The rights of Jane Stille, who claims by intermarriage, will not be adjudicated at this time, but will await the decision of the Court of Claims on the question submitted to said court on February 24, 1903, relative to the rights of intermarried Cherokees.

It appears from the evidence that Jane Stille was lawfully married on January 2, 1879, to Noah Stille, a citizen by blood of the Cherokee Nation, who died in 1894. The evidence further shows that Jane Stille made application for herself and her said children to the Commission to the Five Civilized Tribes, to be admitted as citizens by blood of the Cherokee Nation, under the act of Congress approved June 10, 1896, (29 Stat., 321), claiming her rights and those of her children through a Cherokee ancestor; that said application was denied by the Commission, and that the decision of the Commission was sustained by the United States Court for the Northern District of Indian Territory.

It also appears that Noah Stille is the father of the minor applicants herein, except Ivy K. McDowell, and is identified on the Cherokee authenticated roll of 1880; that the minor applicants are identified on the Cherokee tribal rolls as follows:

Levi Stille on the Cherokee payrolls of 1883, 1886, 1894, and the Cherokee census roll of 1890.

Martha Stille on the Cherokee payrolls of 1886 and 1894,

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and the Cherokee census roll of 1890.

Ida Stille on the Cherokee pay roll of 1894 and the Cherokee census roll of 1890.

Elias Stille on the Cherokee pay roll of 1894.

It further appears that the minor applicants herein have resided in the Cherokee Nation all their lives.

The attorney for the Cherokee Nation protests against your decision, and files an argument in the case, claiming that the decision of the United States Court under the act of 1896 was final.

Reporting January 4, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The decision of the Commission, as well as that of the United States court, was rendered in this matter prior to the act of Congress approved June 28, 1898 (30 Stat., 495), by which you were authorized and directed to "take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon."

Under the above provision it became your duty to enroll the applicants in this case. The Department therefore concurs in the recommendation of the Commissioner of Indian Affairs, and your de-

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division, in so far as it affects the applicants Levi Stille, Martha McDowell (formerly Martha Stille), Ida Stille, Elias Stille and Ivy M. McDowell, is approved.

Respectfully,

(signed)

E. A. HITCHCOCK,

Secretary.

T. R.

1 inclosure.

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COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

PLEASE REPLY TO THE FOLLOWING

ALLISON I. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 27, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 15, 1903, granting the application of Jane Stille for the enrollment of herself as a citizen by intermarriage, her four children, Levi Stille, Martha McDowell, Ida and Elias Stille, and her grandchild, Ivy M. McDowell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except Jane Stille, on January 14, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 27, 1904.

Jane Stille,

Campbell, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated January 15, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage, your four children, Levi Stille, Martha McDowell, Ida and Elias Stille, and your grandchild Ivy M. McDowell, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except yourself, on January 14, 1904.

Respectfully,

Commissioner in Charge.

D.C. 52911-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FHE.

I.T.D. 72-1904.

November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of January 14, 1904, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Jane Stille as a citizen by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of said Jane Stille is denied. The claims of the other applicants were disposed of in said letter.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

5 inc. for Ind. Of.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D 1264.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting the application for the enrollment of Jane Stille as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.W-4.
S.W.

Commissioner.

Cherokee
D 1264.

Muskogee, Indian Territory, December 13, 1906.

Jane Stille,
Campbell, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.W-3.
S.W.

Commissioner.

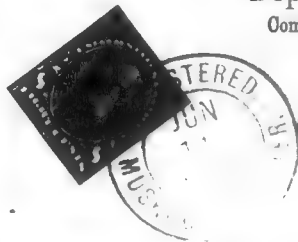
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Wm. Jane Stillie
Muskogee
J. D.

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D 1264

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Department of the Interior.

Commission to the Five Civilized Tribes.

James Hill

SENT

D 1264

CHESTERFIELD CITIZENS

Original testimony Aug 21, 1900

Memorandum of application Aug 21, 1900

Order of Cancellation Feb 1901

Notice of final consideration, 3/10/02

D 1264

Cher D 1265

Cher D 1265

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES.

FILED

MAR 31 1892

ACTING CHAIRMAN

Supl.-C.D.#1265.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of ELIZA WATSON,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that she might on said date appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify that as stenographer to the commission to the five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

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НОМЕЛЪ БЪРІТО

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 10th, 1902.

In the matter of the application of Eliza Watson for the enrollment of herself and children--Frank, Lizzie and Lizzie Lephew and David Watson--as citizens by blood of the Cherokee nation.

Appearances:

Applicant appears in person.
Cherokee nation by J. C. Starr.

Supplemental to HL265.

ELIZA WATSON, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. What is your name? A. Eliza Watson.
Q. How old are you? A. 41. To the best of my knowledge that is my age.
Q. Where do you live? A. Webbers Falls, in Canadian district.
Q. Do you claim to be a Cherokee by blood? A. That is always what I claim to be.
Q. What was the name of your father? A. Allen Latta.
Q. Is he living or dead? A. He is dead.
Q. What was his citizenship? A. He always claimed to be a Cherokee by blood.
Q. Was he a Cherokee by blood? A. I don't know, sir, whether he was or not.
Q. What is the name of your mother? A. Elizabeth Latta.
Q. Is she living? A. She is dead.
Q. What was her citizenship? A. She was a white woman.
Q. How long has your father been dead? A. About 15 years.
Q. Did you draw the strip money in 1894 for yourself and your children who were old enough to draw it? A. I got one payment.
Q. When was that? A. I think it was in 1894; we drew at Fort Gibson.
Q. How much did you draw? A. I don't know how much we did exactly draw.
Q. About how much? A. \$154 to the head.
Q. How many people did you draw for at that time? A. About six of us; seven with myself.
Q. Is that the only time you have ever drawn any money? A. No, sir; I have drawn before with the payments we had.
Q. Did you draw with the Cherokees? A. Yes, sir.
Q. Did you draw with the Cherokee in 1894, or with the Freedmen.
A. We drew with the Freedmen.
Q. Did you make application for the money that was paid to the Cherokees by blood? A. Yes, sir. Mr. Vann and Jim Adair fixed that up for us.
Q. Did they refuse to let you draw? A. Yes, sir; they claimed we was white people. I paid them my children's money to get that fixed up there at Fort Gibson.
Q. The last payment you drew was the payment made to the Freedmen, wasn't it? A. Yes, sir.
Q. You didn't draw the payment of \$200.00 made to the Cherokees? A. No, sir; they claimed we didn't have any right; we was white people.
Q. Where were you born? A. Born in Canadian district a mile and a half or two miles west of Webbers Falls.
Q. Was your father born a slave? A. No, sir.
Q. Have you any brothers or sisters older than you are? A. Yes, sir, I have one sister.
Q. About how much older than you are? A. About four years older than I am.

Q. Was she born before or after the war? A. Before the war.
 Q. Was she born a slave? A. No, sir; my father never was a slave.
 Q. Had she the same parents that you have? A. Yes, sir.
 Q. Is she living now? A. Yes, sir.
 Q. At what other times did you draw money from the Cherokee nation except 1896? A. What is called the bread money.
 Q. When was that? A. I don't know when it was.
 Q. About how long ago was it? A. The last money I drew with the Cherokee it has been 21 years ago, 22 years ago next summer.
 Q. Prior to the death of your father had he been recognized as a Cherokee by blood? A. Well, he always was recognized as a Cherokee by blood, until Mr. Vann and them objected to our rights at Fort Gibson.

DICK HAYES, being duly sworn, testified as follows:--

Examination by the Commission.

Q. What is your name? A. Dick Hayes.
 Q. How old are you, Mr. Hayes? A. Growing on 1844.
 Q. What is your post office address? A. Munkogee.
 Q. Are you acquainted with the applicant in this case, Eliza Watson? A. Well, I don't know whether I am or not. She came down and she wanted me--
 Q. Well, did you know any one by the name of Allen Latta? A. Yes, sir.
 Q. When did you learn to know him? A. Since the war.
 Q. Was he recognized as a Cherokee by blood or Freedman? A. I don't know. He was a free man when I first knew him. That is all I know about it.
 Q. How did the tribal authorities of the nation recognize him? A. He was looked upon as a citizen.
 Q. Cherokee by blood or Freedman? A. I don't know. I don't know anything about it. I know him well, too, since the war.

Examination by Mr. Hastings.

Q. Do you know that Allen Latta was recognized as being part Freedman? A. I have always heard that he was. I don't know it for certain.
 Q. You don't know of your own knowledge but isn't that the information you had? A. Yes, sir.
 Q. He was regarded as one of those free colored persons? A. That is the way I learned it.
 Q. You never heard that he was a Cherokee by blood? A. No, I never.
 Q. Never was so regarded? A. No, sir.
 Q. You don't know anything about his return to the Cherokee nation after the war? A. No, sir. Just as I told her when she came to my house. I couldn't tell a thing. I didn't think I could be of any benefit.
 Q. How old are you? A. 43.

Examination by the Commission.

Q. How long after the war did you see Latta the first time? A. I couldn't tell now. I knew him after the war. I was a little boy.
 Q. You were that you first saw him, you say? A. Yes, sir.
 Q. Did you continue to know him up until the time he died? A. Yes, sir.
 Q. Where was he living all the time? A. He was living about 3 miles above Webbers Falls.
 Q. In the Cherokee nation? A. Yes, sir.
 Q. Did he always make his home there from the time you knew him until the time he died? A. Yes, sir.
 Q. How far did he live from you? A. About 2 miles.

James A. Carr, being first duly sworn, deposes that he
transmitted to the Commission to the Five Civilized Tribes an
incorrectly reported the testimony and proceedings in this case
and that the foregoing is a true and correct transcript of his
deposition taken therein.

James A. Carr

Subscribed and sworn to before me this 1st day of May, 1902.

Henry F. Harris
Henry F. Harris,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Eliza Watson, Frank, Liddie and Lizzie Lephfew and David Watson as
citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on January 9, 1902, Eliza Watson appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of herself and minor children, Frank, Liddie and Lizzie Lephfew and David Watson, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22 and July 10, 1902.

The evidence shows that the said Eliza Watson is the daughter of Allen Latta, who is identified on the 1880 authenticated tribal roll of the Cherokee Nation as an adopted colored citizen, and Elizabeth Latta, a white woman, who is identified on the 1880 authenticated tribal roll of said nation as an adopted white citizen. The said Eliza Watson is identified, with the family of her father, on the 1880 authenticated tribal roll of said nation, under the name of Eliza Latta, as an adopted white citizen and, also, on the 1890 and 1896 census rolls and the 1897 Kern-Clifton pay roll of the Cherokee Nation as a Cherokee Freedman. The said Frank Lephfew is identified on the 1890 and 1896 census rolls and the 1897 Kern-Clifton pay roll of the Cherokee Nation as a Cherokee Freedman. The said Liddie and Lizzie Lephfew are identified on the 1896 census roll and the 1897 Kern-Clifton pay roll of the Cherokee Nation as Cherokee Freedmen. The said David Watson is identified by a birth affidavit which is made a part of the record herein. The minor children herein applied for are shown to be the children of the said Eliza Watson. It is not shown by the evidence that any of the applicants herein are of Cherokee blood; on the contrary, it appears that they are all Cherokee Freedmen.

The evidence further shows that the said Eliza Watson has resided in the Cherokee Nation all her life, and it is considered that the residence of the minor children herein applied for has been that of their mother since birth.

Ch. D #1268

It is, therefore, the opinion of this Commission that Eliza Watson, Frank Lophfew, Lizzie Lophfew, Lissie Lophfew and David Watson should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Pixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 190

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

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REFER IN REPLY TO THE FOLLOWING

Cherokee D-1265

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Eliza Watson for the enrollment of herself and her minor children, Frank, Liddie and Lizzie Lephew and David Watson, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Enc. D-34

Chairman.

about 1877

Original to the
Ministry of Agriculture for a
Birth Affidavit David Warr
Notice of final consideration, 3/2

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Del. Straight

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 15 1890

[Signature]
ACTING CHAIRMAN

James A. [Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
BARTLESVILLE, I.T., OCTOBER 10th, 1900.

In the matter of the application of Jennie Requa for the enrollment of herself and children as citizens of the Cherokee Nation of Delaware blood; said Requa being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Jennie Requa.
Q How old are you? A 54 I guess.
Q What is your post office? A Bartlesville.
Q What district do you live in, cooweescoowee? A Yes, sir.
Q Who is it you want to have put on the roll? A I got two children.
Q You want to be on yourself? A Yes, sir.
Q That all? A Yes, sir.
Q Are you Cherokee by blood? A Yes, sir.
Q What are you, Delaware? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Over 30 years
ago.
Q Did you come here with the Delaware? A Yes, sir.
Q You have been here about 32 years or such matter? A Yes, sir.
Q Give me your father's name? A Jacob Wheeler.
Q Is he dead? A Yes, sir.
Q Give me your mother's name, please? A Elizabeth.
Q Is she dead? A Yes, sir.
Q Is your husband dead? A Yes, sir.
Q You been married more than once? A Twice.
Q What was the name of your first husband? A John Swannock.
Q Is he dead or alive? A Dead.
Q What is the name of your second husband? A Jim Requa.
Q Is he living? A Yes, sir.
Q You are now living with him? A No, sir, we separated three years
ago.
Q Give me the names of your children? A Oldest one is James
Swannock.
Q He is 20 years old is he? A Yes, sir.
Q Give me the name of the next child? A Ida May.
Q How old is she? A 15.
Q Both living now, are they? A Yes, sir.
Q Are you on the roll of 1896 as a Requa, four years ago? A (No
response.)
Q How long you been married to Requa? A Six years.
1880 enrollment; page 171 #2636, James Swannock, Cooweescoowee.
1896 enrollment; page 382, #540, Jane Requa, Cooweescoowee.
1896 enrollment; page 383, #582, James Swannock, Cooweescoowee.
1896 enrollment; page 383, #583, Ida Swannock, Cooweescoowee.

Comr Breckinridge:--The applicant applies for the enrollment of herself and two children: She is identified on the rolls of 1880 and 1896 as an adopted Delaware. She has lived in the Cherokee Nation for 32 years, and she will be listed for enrollment now as an adopted Delaware. Her two children who are the children of a former husband are identified with her on the roll of 1896. They are living now and will be listed for enrollment as Cherokee-Delawares.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 10th day of October, 1900.

C. R. Breckinridge

Commissioner.

D 1266

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JAN 22 1902

Committee Room.

Subscribed and sworn to before me this January 12, 1902.

True and complete transcript of his stenographic notes taken at
testimony and proceedings in this case, that the following is a
translation of the Five Civilized Tribes he correctly recorded the
W.D. Green, being first duly sworn, attested as a stenographer to the

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 14, 1902.

In the matter of the application of James H. Requa for the enrollment of himself as a Cherokee citizen by intermarriage. being sworn and examined he testified as follows:

BY COMMISSION:

- Q What is your name? A James H. Requa.
Q How old are you? A 30.
Q What is your post-office address? A Dewey, Indian Territory.
Q What district are you living in? A Cooweescoowee.
Q You make application for enrollment as a Cherokee by blood?
A No sir.
Q As a citizen by intermarriage? A Yes sir.
Q Do you apply for any one besides yourself? A No sir.
Q What is the name of your father? A E.W. Requa.
Q Is your father living? A Yes sir.
Q What is the name of your mother? A Harriet.
Q Is she living? A Yes sir.
Q Neither of your parents have ever been recognized as citizens of the Cherokee Nation have they? A No sir.
Q What is the name of your wife? A Most of the people calls her Jane her name is Jennie.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A She is a Delaware.
Q What is the name of her father? A His name was Wheeler, I think Robert Wheeler, I am not positive of that; he was a Delaware.
Q What is the name of your wife's mother? A I don't know.
Q Was she a Delaware? A Yes sir.
Q Has your wife always been recognized as a citizen? A Yes sir.
Q Her name on all of the rolls? A Yes sir.
Q Has she always resided in the Cherokee Nation? A Yes sir.
Q Is she living here now? A Yes sir.
Q Are you living with her? A I am not.
Q When were you married to her? A I think it was 27th of October, 1893.
Q Have you any evidence of your marriage? A Yes sir.
Q Let me see it? A (Produces papers.)
BY COMMISSION: There is offered in evidence a certified copy of a marriage license issued by the applicant and to Miss Jane Swannock, a Delaware citizen, on the 27th of October, 1893, and a certificate showing that they were married by W.H. Drew, Deputy Clerk on the 27th day of October, 1893, - this license and certificate are filed herewith.
Q How long did you live with her, your wife after you married her?
A Up until January, 1898, I don't remember the date exactly.
Q Did she leave you or did you leave her? A I left her.
Q Were you divorced from her? A No sir.
Q Have you ever been divorced from her? A No sir.
Q Is she divorced from you? A No sir.
Q Has she re-married since your separation? A No sir.
Q Why did you leave her? A Well I was working at the time for Mr. Bartles, or just preceding this time, and when I quit Mr. Bartles I went to work down in the Chickasaw country for W.G. Williams, and while I was gone down there there were some fellows that did not have a very good character were there all the time, made that their home.
Q At your wife's place? A Yes sir.
And I wrote to her; I told her before this that I didn't want these fellows there, and when I came back they was not there, they had been captured at that time, when I came back they was not ever there, they had been captured then; they were men of pretty bad

character, caught somewhere over east here, Robins Post-office.

Q Was your wife with them? A No, she was at home, but they had been staying there at the place all the time; she told me that, and I knew it ~~was~~ without that.

Q Have you any reason to believe that she was guilty of adultery? A I asked her and she acknowledged it.

Q That she had? A Yes sir. And I simply told her well we could not live together any more; I says I will run your outfit; I will take care of your farm, I will farm it and handle it; I will give you everything I have got except two horses, the brown horse and the white horse, and I turned her over everything I had except those two horses, and I sold them for fifty dollars, I lifted her note for the home place, and I farmed the place and took care of it up until two years ago, and then I rented another place, and I have been farming in that.

Q Have you contributed anything to her support since you separated from her? A During all this time I took care of the place and there was on the place her stock, I left her, were 42 head of cows, 31 hogs and 14 horses; I took care of those for them, fed them with mine, what stuff I had I fed them right with them; and a few days ago her daughter came over there and says Doctor Tann has got a mortgage on Mamma's cows and she says she is going to sell them and I don't want to sell them, she say Bradley has got a mortgage on them too; that was on Tuesday, and on the next day I went to see Tann and he says I have got a mortgage on those cows for 35 dollars, and I says don't sell them cows, I will take it up. I went to her daughter then and I says you must not do this any more; I have kept you out of trouble as long as I can, you have mortgaged and re-mortgaged stuff until I can't stand it any longer. I told Tann I would take it up, but I haven't yet; I told him not to sell the stuff.

Q Do you own any property besides that on your wife's farm? A Yes sir.

Q Have you always worked that place for since your separation? A Up until two years ago, since that she has been taking care of it herself.

Q Since that time have you contributed anything towards her support? A Yes sir.

She had a note to Mr. Bartles for one hundred dollars, and I paid 55 of it, and took up the note, and give my note for the balance last year.

Q Since your separation from her, have you remarried? A No sir.

Q Had you always been recognized as a citizen from the time you married her up to the present time? A I suppose so.

Q Does your name appears upon the roll of 1896? A I don't know, I never have been before anybody for enrollment before.

Q Did you have any children by this woman? A No sir.

Q You never made application then to the tribal authorities for enrollment? A No sir, I think now about 1896 or '7 somewhere along there they was taking a census and making an enrollment, but I was working for Mr. Bartles.

Q You were working in the Cherokee Nation at that time? A Yes sir.

Q Were you living with your wife in 1896? A Yes sir, and she came to Nowata, I think it was Nowata, for enrollment or something and told me she would put my name on the roll; I believe I came down here to receive a bunch of cattle, that was out here at Catoosa.

Q Since you married your wife have you always made the Cherokee Nation your home? A Yes sir.

Q Have you ever voted in any other nation or tribe since that time? A No sir.

Q Have you since your separation from each other endeavored to induce your wife to come back and live with you? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and 1896 roll for applicant and name not found.

James M. Requa 3

A.H. NORWOOD, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A A.H. Norwood.

Q How old are you? A 51.

Q What is your post-office address? A Dewey Indian Territory.

Q Are you acquainted with the applicant, ~~Quarles~~ James H. Requa? A Yes sir.

Q How long have you known him? A Ever since he was married, along in the early part of the '90.

Q Do you know his wife? A Yes sir, I have known her for 25 years.

Q You know anything about when they separated? A I know it from general rumor and talk in the neighborhood.

Q Were you living there at the time? A Yes sir.

Q Were you acquainted with them during their married life? A Yes sir.

Q Did Mr. Requa always treat his wife as a husband should treat a wife? A I think so, that was my observation.

Q You don't know of your own knowledge why he separated from his wife? A No sir, I know her conduct subsequent to that.

BY MR. BAUGH, of attorneys for the Cherokee Nation:

Q Do you know whether Mr. Requa has ever furnished anything to his wife, anything to her support since they were separated? A I know he and his father both have contributed towards her support.

BY COMMISSION:

Q What was her conduct generally? A Up until about the time of their separation her conduct was always good, and since that it has been in very bad repute.

BY COMMISSION:

Q You know that of your own knowledge do you? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's wife identified on page 174 No. 2636 Jane Swannock, Cooweescoowee District, Adopted Delaware.

1896 census roll of citizens of the Cherokee Nation examined and applicant's wife identified on page 382 No. ~~2636~~ 540 Janne Requa, Cooweescoowee, adopted Delaware.

Applicant, JAMES M. REQUA, recalled and further examined by Commission, testified as follows:

Q Was your wife married before she married you? A Yes sir Wheeler was her maiden name, and she married John Swannock.

Q Was he a Delaware? A Yes sir.

Q Was he dead when you married her? A Yes sir.

Q Were you ever married before you married your wife? A No sir.

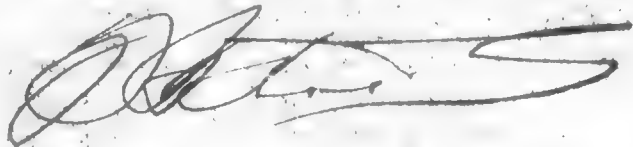
BY COMMISSION: James H. Requa applies for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. He is not identified on any of the tribal rolls of the Cherokee Nation in the possession of the Commission. He makes satisfactory proof as to his marriage ~~is~~ under Cherokee law on the 27th day of October, 1893, to Jane Swannock. Applicant avers that they lived together continuously from that time up until January 1898, when they separated. Applicant avers that since their separation neither he nor his wife have ever been married. By reason of the fact that the applicant and his wife are separated, final judgment as to his application for enrollment as a citizen by intermarriage will be suspended, and his name will be placed on doubtful card awaiting further consideration of the Commission.

4 James M. Requa

M.D. Green, being first duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green


Subscribed and sworn to before me this January 15, 1902.



Commissioner.

B D 1266

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 14 1902

A handwritten signature or set of initials, possibly "J. H. H.", written in dark ink over the stamp.

ARCHIVE

CHEROKEES BY BLOOD AND ADOPTION.

(30) Date Muskogee, I. T., Jan 14 1900

Name James H. Regna, Henry, I. T.

District Co o Year Page No.

Citizen by blood marriage Mother's citizenship Parents } J. M. Regna & L. W.

Intermarried citizen Yes Harriett Regna & L. W.

Married under what law Cherokee Date of marriage Oct 27, 1893

License Filed Certificate Filed

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

#1 Not on any roll
 Wife on 1880 p 124 # 2636, Jane Swannock, adopt, del
 1896 " 382 # 540 Jane Regna, Co " "

See Vol # 121

Commissioner.

Subscribed and sworn to before me this 21st day of May, 1935.

true and complete transcript of his stenographic notes thereof.
testimony and proceedings in this case, and that the foregoing is a
Commissioner to the five qualified witnesses he corrected and signed the
M.D. Greenfield first only sworn, states that as stenographer to the

Q What name does she go by, your name now? A Yes sir.
wifes; I think she kept her name at "Hartfield".

Q The river from where Mr. Hartfield's place used to be, and at two
Q "where is this woman living now? A She lives right there across

Q R.L. Hartfield?

Q That is all is it? A Yes sir, I think so.

BY COMMISSIONER:

Q Were you ever married before you married this lady? A I was not.

Q You are the applicant in this case? A Yes sir.

Q What is your name? A James H. Redus.

BY COMMISSIONER:

testimony as follows:

Applicant, JAMES H. REDUS, being sworn and explained,

to your enrollment at this time.

Is there any other statement you desire to make relative

BY COMMISSIONER, of applicant:

except him.

was working down there at Williams? A She told me that she would

Q Didn't she tell you that she would not get off with me while I

BY APPLICANT, of witness:

(Applicant asked by Commissioner if he wants to say witness

or not, he says:

Q How long had you known him before he married her? A Oh five

or six years.

I don't.

"R"

Cherokee D 1266

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 19, 1902.

In the matter of the application of James H. Requa for enrollment as a Cherokee citizen by intermarriage. SUPPLEMENTAL TESTIMONY AND PROCEEDINGS on behalf of the applicant:

Appearances:

Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

JACOB H. BARTLES, being sworn and examined, testified as follows:

BY COMMISSION:

- Q What is your name? A Jacob H. Bartles.
Q Where do you live? A Dewey, Indian Territory.
Q Are you acquainted with the applicant in this case James H. Requa? A Yes sir.
Q Is he a white man? A Yes sir.
Q Did you know his Cherokee wife? A I knew his Delaware wife.
Q What was her name? A Jane Requa.
Q Do you know when he was married to her? A Why I think in '93.
Q How long did he continue to live with her as his wife? A I think about three or four years.
Q You know the cause of the separation? A Most of it.
Q Just state briefly your knowledge of the cause, please? A Well, we about that time was having a good deal of trouble up in our country with some outlaws, and her brother was with them; her son would carry provisions back and forth from the house to their camp, in the Osage Hills, and I was doing my best to catch the whole gang, and Jim and her had a fuss about that kind of people coming around and she threatened his life, threatened his life to me, and she said these people was her friends, and she was going to keep them, and if Jim didn't behave himself she was going to kill him, and right about that time Jim went off to the Choctaw Nation or somewhere to get rid of these parties, and during that time that he was gone they made it their home, they would come into and out nights and they had that whole country up there paralysed, and I kept guard over my buildings of nights in order to keep them from coming in and burning them up, and finally I got after them so hot I reckon I run them out of the country and they left and went over here by Fayetteville, and robbed the post-office, and they got out after them there and caught six of them; and then Jim when he come back they didn't live together, and separated and she owed me quite a long account.
Q That is, Jim's wife? A Yes sir, and so they divided the account and she was to pay half of it and Jim paid half; so finally Jim paid half of her account for her.
Q In addition to his own half? A In addition to his own half, and since that time they have never lived together.
Q Was his treatment towards his wife that of, - in other words ~~was~~ did he treat his wife as a husband should treat her? A Yes sir.
Q What was the general character of this woman in the neighborhood up there? A Well up until that time her character was good, there was nothing bad about it; she seemed to turn out all at once.
BY MR. HASTINGS:
Q Was she ever married before? A Yes.
Q To whom? A To John Swannock.
Q What was her maiden name? A Wheeler, Jane.
Q Was she married the one time only before she married Requa? A That's all.
Q What became of her former husband? A He died.
Q Before her marriage to Requa? A Yes sir.

Q You know whether Requa was ever married before or not? A No sir I don't.

Q How long had you known him before he married her? A Oh five or six years.

(Applicant asked by Commission if he wants to ask witness any questions.)

BY APPLICANT, of witness:

Q Didn't she tell you that she would get off with me while I was working down there at Williams? A She told me that she would shoot him.

BY COMMISSION, of applicant:

Is there any other statement you desire to make relative to your enrollment at this time?

Applicant, JAMES H. REQUA, being sworn and examined, testified as follows:

BY MR. HASTINGS:

Q What is your name? A James H. Requa.

Q You are the applicant in this case? A Yes sir.

Q Were you ever married before you married this woman? A I was not.

BY COMMISSION:

Q That is all is it? A Yes sir, I think so.

BY MR. HASTINGS:

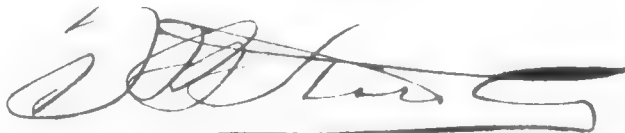
Q Where is this woman living now? A She lives right there across the river from where Mr. Bartles old place used to be, about two miles; I think she gets her mail at Bartlesville.

Q What name does she go by, your name now? A Yes sir.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 20, 1902.



Commissioner.

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Supl.-C.D.#1266.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of JAMES H. REQUA
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902. The applicant this day, to-wit: the 22d day of March, 1902, appears by his attorney, E. B. Lawson.

Mr. W. W. Hastings, Cherokee Representative, present.

The attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

The Attorney for the applicant requests and will be granted 20 days in which to file a brief in the case.

---ooo000ooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

to J.M. R... a U.S. Citizen to marry Miss Jane Swanock a
Delaware lady a citizen of the Cherokee Nation. His recom-
mendation being signed by the following named citizens of
the Cherokee Nation by blood.

John Wheeler	John Young, His X mark
	J.B. Parker,
Jacob Wheeler	C.W. Parker
Joseph Wilson	Geo. Washington
Ed. F...	J. A. Gilson
Sam Sh...	James A. Wilson,

They were united in marriage by W.H. Drew Depty clk Oct. 27th
1893.

Witnessed on this the 10th day of November 1893.

H.H. Trett Clk.

W.H. Drew, Depty clk.

Executive Office Cherokee Nation

Tahlequah, I.T.

I, B.M. Alberty, assistant Executive secretary of
the Cherokee Nation do hereby certify that the foregoing
is a true copy taken from the marriage record of Cooweescoo-
wee District Cherokee Nation, that said record is in my custody.

Given under my hand and the seal of the Cherokee Nation

this the 11th day of October 1900.

Assistant Executive secretary

Cherokee Nation.

Marriage license issued this day Oct 27th 1893
to J.M.Regna a U.S.Citizen to marry Miss Jane Swaneck a
Delaware lady a citizen of the Cherokee Nation.His recom-
mendation being signed by the following named citizens of
the Cherokee Nation by blood.

John Wheeler	John Young, His X mark J.B.Parker,
Jacob Wheeler	C.W.Parker
Joseph Wilson	Geo.Washington
Ed.Frenchman	J.W.Gibson
Sam Sheshey	James A.Wilson,

They were united in marriage by W.H.Drew Depty clk Oct.27th
1893.

W.H.Drew Depty Clk.

Recorded on this the 16th day of November 1893.

H.H.Trett Clk.

By W.H.Drew, Depty clk.

Executive Office Cherokee Nation

Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary of
the Cherokee Nation do hereby certify that the foregoing
is a true copy taken from the marriage record of Cooweescoo-
wee District Cherokee Nation, that said record is in my custody.
Given under my hand and the seal of the Cherokee Nation
this the 11th day of October 1900.

B. W. Alberty
Assistant Executive secretary

Cherokee Nation.

2021 7 10

M.D. Green, being first duly sworn, states that as stenographer to the Commission on the Life of the Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Witness my hand and seal this 10th day of July, 1902.

Subscribed and sworn to before me this November 3, 1902.

[Signature]
Notary Public

G

Cherokee No. D-1266

Department of the Interior,
Commission to the Five Civilized Tribes,
Dewey, I. T., October 16, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS IN THE MATTER OF THE application of JAMES H. REQUA, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; being sworn and examined, he testified as follows:

BY COMMISSION:

Q What is your name? A James H. Requa.
Q What is your age? A 30 the 27th of last January.
Q What is your post-office address? A Dewey, I. T.
Q You live in Coaweescoowee District? A Yes sir.
Q You have heretofore made application for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir, I have.
Q Your wife was named Jennie Requa, and she was a Delaware Indian?
A Yes sir, they always called her Jane, but her real name was Jennie.
Q She is dead now? A She is, yes sir.
Q When were you married to her? A October 27th, 1893.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A Yes sir.
Q How many times had she been married before she married you?
A Once.
Q Was her first husband dead when you married her? A Yes sir.
Q How long has Jennie Requa been dead? A She died June 17, 1902.
Q Did you live with her from the time of your marriage to her up until she died? A No sir, I lived with her three years, and then went down to the Chickasaw country, working on a cow ranch, and was gone five months, and I came back, and we separated on account of my being gone down there; she lived with another man while I was gone; at least, that is what she told me, and others told me the same thing.
Q You have heretofore given all the testimony in regard to the separation of yourself from your wife, have you not? A Yes sir.
Q Since your separation from her, Jennie Requa, you have not married again? A No sir, no time.
Q And she never married again? A No sir.
Q Since your marriage to Jennie Requa have you lived continuously in the Cherokee Nation? A I went to the Chickasaw Nation and worked for Williams, and was gone five months, and last July I went to Montana, went up there hunting, and stayed until November, I left there on the 26th of November, and got here about the first of December.
Q That is all the time you have been outside of the Indian Territory? A Yes sir, my sister lives in Montana, and I went up there to see her.
Q You have never voted outside, and never had any property outside of the Territory since your marriage to your Delaware wife?
A No sir, I have got some horses in the Osage; I bought them there and they have always been there.
Q Have you a ranch there? A No sir, I bought them from the Indians and most of them I took them into the State and sold them, and some of them got away from me, and they are there yet.
Q Your home now is in Dewey, Indian Territory? A Yes sir.
Two miles from here, and has always been in the Cherokee Nation since 1893.

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Cherokee D 1266 page 2

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 3, 1902.

R. R. Rutter
Notary Public.

Cherokee D 1266.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James H. Requa for enrollment as a citizen by intermarriage of the Cherokee Nation.

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D E C I S I O N.

The record in this case shows that on January 14, 1902 James H. Requa appeared before the Commission at Muskogee, Indian Territory and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory February 19, 1902 ~~and~~ March 22, 1902.

The evidence shows that on October 27, 1893 said James H. Requa was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation to Jane Swanock, nee Wheeler. Said Jane Swanock is identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1896 census roll as an adopted Delaware. Her first husband, John Swanock, died previous to her marriage to applicant.

The evidence further shows that the applicant, James H. Requa, was a resident of the Cherokee Nation at the time of the making of this application and for eight or nine years prior thereto; that he and his wife lived together continuously in said Nation from the date of their marriage until January 1898, since which time they have been separated, he having abandoned her in said month of January.

Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee Laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for enrollment of James H. Requa as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Muskogee, Indian Territory,
this

*Upon reconsideration in view
of the further testimony I think the ap' to
should be enrolled - C. A. B.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James H. Requa for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on January 14, 1902, James H. Requa appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 19, and March 22, 1902, and at Dewey, Indian Territory, on October 16, 1902.

The evidence shows that on October 27, 1893, said James H. Requa was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, to Jane Swanock, nee Wheeler. Said Jane Swanock is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the 1896 census roll as an adopted Delaware. Her first husband, John Swanock, died previous to her marriage to the applicant.

The evidence further shows that the applicant and his wife lived together from the date of their marriage until January 1898, since which time they have been separated. The evidence fails to show that he abandoned his said wife, and he has not remarried since their separation.

The evidence further shows that the said James H. Requa has resided in the Cherokee Nation ever since 1893.

It is, therefore, the opinion of this Commission that James H. Requa should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. H. Requa

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Sa'nuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadbus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirththrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emmerson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wily	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beek	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6280
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beek	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James I. Goud	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Pureell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhanev	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Pardee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D	468
Sarah A. Fields	10214	Adolphus J. Hallum	D	483
Susie Henderson	10216	Alexander Walker	D	490
Charles H. Rienhardt	10218	Albert J. High	D	491
William H. Watkins	10221	America Matoy	D	501
Frank M. Rucker	10222	Moses L. Grazier	D	503
Henry C. Reed	10224	Myrtle Hall	D	509
Laura B. Timberlake	10226	Wallace Thursday	D	544
George A. Brown	10228	Thomas W. Baker	D	546
Drucilla Lowrey	10232	Mattie E. Keys	D	550
Almira Mouse	D 9	William S. Edwards	D	560
Lenora Prather	D 16	Susan L. Reed	D	572
Andrew M. Cooter	D 17	William H. Lyman	D	574
Martin L. Stokes	D 28	Gracia Davis	D	577
Peter Walters	D 44	Edward C. Bolen	D	582
Columbus M. Reeves	D 58	Dora Guthrie	D	585
Sarah Barnes	D 103	Samuel H. Hawkins	D	594
George T. Kiddy	D 108	Lula M. Purcell	D	600
Henry C. Agent	D 139	Ben Estes	D	603
Joseph Phipps	D 147	Thomas M. Reynolds	D	621
Henry Hilton	D 149	Arthur Dodge	D	622
David A. McGlamery	D 161	Carrie L. McNair	D	624
Maggie Doublehead	D 169	Constantine N. Walker	D	641
Annie Lovett	D 180	Joseph Davis	D	648
Nora Hood	D 184	Leander A. Keys	D	650
John A. Johnson	D 232	James J. Barndollar	D	655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D	682
Oncico W. Head	D 244	William S. Miles	D	688
Etta Taylor	D 245	Emma Waybourn	D	698
Susan V. Sullivan	D 262	Dora E. Rogers	D	708
Levi H. Tackett	D 263	James W. Turley	D	709
William H. Connelley	D 264	Lizzie Ward	D	711
Julia A. Sullivan	D 284	Robert J. Holly	D	713
May Fields	D 297	Belle I. Quinton	D	728
Katie Hummingbird	D 308	Francis M. Boothe	D	734
William F. Sager	D 320	Amos W. Lord	D	746
Lovick P. Garrison	D 334	Agnes N. Childers	D	749
Henry Grubb	D 338	John E. Renfrow	D	752
Lucy F. Lacey	D 340	William Coon	D	759
Callie Blevins	D 341	Louis Bruere	D	779
James S. Alfrey	D 355	Georgia A. Waybourn	D	786
Shadrack C. Wallen	D 368	Eliza Fields	D	787
Ada Hall	D 376	William H. Brown	D	788
Jane M. Hicks	D 396	William A. Cox	D	793
Fannie L. Dupree	D 403	Charles A. Robison	D	799
Willis Battles, Jr.	D 404	Artha Williams	D	800
Joshua W. Ellis	D 413	Adam Gearhart	D	806
Nina B. Owen	D 450	Cicero F. Rogers	D	855
John M. Ridenour	D 458	Annie Garrett	D	856
Emery S. Thompson	D 464	George S. Yarborough	D	875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. E. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D 3081	Della Baldrige	R 105
Horace Gray	D 3082	Samuel Richey	R 107
Lula Pack	D 3083	Malissa Fields	R 144
Lelia C. Harris	D 3084	Fred Zimmerman	R 220
Thomas Jones	D 3086	Ella Anspach	R 241
Benjamin Laws	D 3088	Michael R. Mizer	R 266
Martha Spade	D 3092	Belle A. Powell	R 352
Julian Wyrick	D 3093	Austin L. Hill	R 420
Samuel Harlan	D 3157	Mary L. Dudley	R 439
Lizzie Phariss	D 3171	Stephen Hazlett	R 465
Jack Michael	D 3172	Mary A. Payne	R 484
Sarah E. Davis	D 3176	Rebecca Bengel	R 563
Grace Guthrie	D 3181	Sarah Wilson	R 613
Mary E. Thornton	D 3183	Dora Crane	R 628
Mamie Thompson	R 4	Andrew Sitrell	R 642
Jimmie G. Thompson	R 5	John Sitrell	R 642
William T. Kelly	R 10	Lillie May Wilson	R 643
Alice Tidwell	R 19	Ollie A. Barger	R 656
Rosenna McLaughlin	R 41	Ida Hawkins	R 671
Martha A. Perdue	R 45	Lizzie Davis	R 761
Gabriel L. Payne	R 61	Clara M. Emmons	R 803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

E

J. K. 16



COMMISSIONERS
HARRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1266

OFFICE ONLY IN THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **March 3,** 1902.

Mr. James H. Requa,

Dewey, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to J.L. Baugh,
Chautau, I.T.
Register.

Yours truly,

Acting Chairman.

~~Commissioner in Charge.~~
Commissioner in Charge.

FRED MCDANIEL,
INSURANCE.Bartlesville, O. T. April 18th 1902J. C. Harris, Esq.
Muscooges, Id.

Dear Sir:-

Replying to yours of 7th inst regarding James Regua, will say that from the best information at hand, James Regua married Jennie Braumack nee Whetley, that they only lived together a short while - when Regua left her and went to the Wichita country or to South west part of Territory and was gone about 15 months, and since that time they have not ~~by~~ lived together. Am told that he has not married since.

Regua is apparently a young man of good address while this woman is quite old and the opinion prevails that he married her ~~over~~ for "her right". If I can turn you further advising you,
Yours truly Fred McDaniel.

Cherokee D 1266.

Muskogee, Indian Territory, October 16, 1902.

E. B. Lawson,

Attorney for James H. Requa,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that James H. Requa, has this day been directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to his right to enrollment as an inter-married citizen of the Cherokee Nation, on September 1, 1902.

Respectfully,

Commissioner in Charge.

Cherokee D 1266.

Muskogee, Indian Territory, October 16, 1902.

James H. Requa,

Dewey, Indian Territory.

Dear Sir:

The Act of Congress approved July 1, 1902, (Public No. 241) and ratified by the citizens of the Cherokee Nation, August 12, 1902, provides that " the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

In accordance with said provision, you are hereby directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as an intermarried citizen of the Cherokee Nation, on September 1, 1902.

Please give this matter your immediate attention, as the evidence desired is necessary in determining your right to participate in the allotment of the lands of the Cherokee Nation, and until the same is furnished, no further action will be taken looking towards your final enrollment as an intermarried citizen.

Respectfully,

Commissioner in Charge.

Cher. D 1266

Muskogee, Indian Territory, January 10, 1907.

James H. Requa,

Dewey, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. _____
D

Commissioner.

Cherokee D
1266

Muskogee, Indian Territory, March 14, 1907.

James H. Requa,
Dewey, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MH

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

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D1266.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 20 1902

[Handwritten signature]

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

Washington D. C. Feb 19th 1902

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
James H. Rogers for enrollment as
Cherokee Freedmen.

No. 51266

J. L. Brumby

Cher D 1267

Cher D 1267

A 01267

Subscribed and sworn to before me this 10th day of July, 1908.

ACTING CLERK

Notary Public for the State of New York
In and for the County of New York
I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears from the records of the County of New York.

---0000000000---

Notary Public for the State of New York
In and for the County of New York
I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears from the records of the County of New York.

R

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 15, 1902.

In the matter of the application of Nannie Carver for the enrollment of her husband, FRANK CARVER, as a citizen by inter-marriage of the Cherokee Nation:

Said Nannie Carver being duly sworn and examined, testified as follows: Examination by the Commission:

- Q What is your name? A Nannie Carver.
Q How old are you? A Me?
Q Yes. A 29 years old.
Q What is your post office address? A Bennett was.
Q What is your post office now; where do you live now?
A I live in town.
Q Here in Muskogee? A Yes, sir.
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
Q For whom do you want to make application, for your husband?
A Yes, sir.
Q What is his name? A His name is Frank Carver.
Q Have you already been enrolled? A Yes, sir.
Q Is your husband a Cherokee or white man? A He is a white man.
Q You make application for his enrollment as a citizen by inter-marriage? A Yes, sir.

Commission: There is offered in evidence a Cherokee license issued by T. Jay Thornton, Clerk of Illinois District Cherokee Nation, on the 24th day of May, 1890, authorizing the marriage of Frank Carver, a citizen of the United States, and Miss Nannie Murray, a citizen of the Cherokee Nation. The license is accompanied by a certificate showing that the parties were united in marriage on the 26th day of May, 1890, by Mason F. Williams, a Minister of the Gospel. The license and certificate are filed herewith.

- Q Were you married to your husband under the laws of the United States before you were married to him under the Cherokee law; were you married to him twice? A No, sir.

Commission: There is offered in evidence a certified copy of a marriage license issued by W. Nelson, Clerk of the Court, First Judicial Division, U. S. A., Indian Territory, on the 28th day of June, 1890, authorizing the marriage of Frank Carver and Miss Nannie Murray. The license is accompanied by a certificate showing that they were married on the 26th day of May, 1890, by Mason F. Williams, a Minister of the Gospel.

- Q Where is your husband now? A He is in the Penitentiary.
Q How long has he been there? A I don't know; about five or six years.
Q Did you live with him continuously from the time you were married until he was sent to the Penitentiary? A Yes, sir, nearly all of the time.
Q Did you ever separate from him? A No, sir, I don't believe I did.
Q Don't you know? A No, sir, I never separated from him until he was sent to the Penitentiary.
Q Then you lived with him continuously from the time you were married until he was sent to the Penitentiary? A Yes, sir.
Q How long has he to be confined in the penitentiary?
A It Live time.
Q Have you married since? A No, sir.
Q What was the name of your father? A My father's name?
Q What is the name of your father? A Jim Murray.

- Q Is he a Cherokee or white man? A Cherokee.
Q What is the name of your mother? A Nannie.
Q Is she living? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Is your name upon the roll of 1880? A I expect it does/
Q Have you always resided in the Cherokee Nation? A Yes, sir.
Q Have you always been recognized as a citizen? A Yes, sir.
Q Were you ever married before you married Frank Carver? A No, sir.
Q Was he ever married before? A No, sir.
Q Did you ever go by any other name other than Nannie Murray before you were married? A No, sir.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q Did you draw strip money? A Yes, sir.

1880 Authenticated roll of citizens of the Cherokee Nation examined and name of applicant not found thereon.

1896 census roll of Cherokee citizens examined and name of applicant found thereon, page 16, #449, Nannie Carver, Canadian District.

1894 Pay roll of Cherokee citizens examined and name of applicant found thereon, page 18, #417, Nannie Carver, Canadian District.

1896 Census roll of Cherokee citizens examined and name of applicant's husband found thereon, page 86, #60, Frank Carver, Canadian District.

- Q How old is your husband now? A About 33 or 34 years old.
Q In what penitentiary is he confined? A I don't know.

BY MR. W. W. HASTINGS, Cherokee representative:

- Q In Columbus Penitentiary? A Yes, sir.
Q Was your husband ever married before he married you?
A No, sir.
Q Were you living with him as his wife at the time of his arrest?
A No, sir, not at the time of his arrest.
Q Were you separated from him? A Why, yes, sir.
Q Now, Madam, you seem to hesitate about this; what the Commission wants to know now is how long you had separated? A Wasn't exactly separated.
Q Well, was he on the scout? A Yes, sir.
Q He was convicted of murder wasn't he? A Yes, sir.
Q Well, now, up to the time that this offense is alleged to have been committed were you living with him as his wife? A Yes, sir.
Q At the time he is said to have killed this party, you were living with him as his wife, and recognized as his wife? A Yes, sir.
Q Where were you living then? A I was living in town here.
Q In Muskogee? A Yes, sir.
Q Where were you living when you were married to him? A I was living down in the lower end of town.
Q In Muskogee? A Yes, sir.
Q You and he lived then all the time in Muskogee that you lived together as husband and wife? A Yes, sir.
Q Never lived over in the Cherokee Nation? A No, sir.

COMMISSION: Nannie Carver applies for the enrollment of her husband, Frank Carver, who is confined in the penitentiary. She makes satisfactory proof of her marriage to her husband under a Cherokee law on the 26th day of May, 1890. She avers that she and her husband lived together continuously up to the time he was charged with murder and that neither of them was ever previously married. The applicant is not iden

tified upon the authenticated roll of 1880, but is duly identified upon the census roll of 1896 and strip payment roll of 1894. By reason of the fact that the applicant's name is not identified upon the authenticated roll of 1880 and for the further reason that she has been listed for enrollment as a citizen by blood on a doubtful card, the application which she now makes in behalf of her husband, Frank Carver, will also be placed upon a doubtful card. The final decision as to her application for his enrollment will be suspended and his name will be placed upon a doubtful card.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this January 17, 1902.

C. R. Reed

Commissioner.

D

81267

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 16 1902



ASTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

1902
1800.

(37) Name Frank Leaver Date Jan 15
 District San Muskogee, A.T.
 Year 1896 Page 86 No. 60
 Citizen by blood Yes Mother's citizenship
 Intermarried citizen Yes
 Married under what law Cal. & Ind. Cal. Date of marriage May 26, 1890
 License Filed Certificate Filed
 Wife's name
 District Year Page No.
 Citizen by blood Mother's citizenship
 Intermarried citizen
 Married under what law Date of marriage
 License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
<u>Dist. 1</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 2</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 3</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 4</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 5</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 6</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 7</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 8</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 9</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 10</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 11</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>
<u>Dist. 12</u>	<u>Year</u>	<u>Page</u>	<u>No.</u>	<u>Age</u>

Application made by
 applicant's wife, Winnie Leaver

Stenographer, J. O. Ross

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... to the ...
... ..

[illegible]

I, J. A. Pearson, do hereby certify that the enclosed report to the Commission on the two alleged "Black" women recorded the proceedings shown and that the foregoing is a true and complete transcription of the same. Witness my hand and seal this 10th day of May, 1944.

Supl.-C.D.#1267.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of FRANK CARVER
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 22d day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case. The applicant has to his day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Q You and he in the eyes of the law are still husband and wife, are you? A Yes, sir.

Q And were husband and wife on the first day of September, 1902? First day of September, 1902, this last September? A Yes, I guess we were, that has been a long time.

Q Did Frank Carver reside in the Indian Territory all the time from the date of his marriage to you up until he was sent to the penitentiary? A Yes.

Q Never lived out of the Territory during that time? A Not without he would just go off.

Q I mean live out. A No, he never lived out.

Q You and your children lived in the Cherokee Nation ever since your marriage to Mr. Carver and since their birth? A Yes, sir.

Q Never lived anywhere else since you were married? A No, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 5th day of November, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 3, 1902.

In the matter of the application of Frank Carver for enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

NANNIE CARVER, being sworn, testified as follows:

By the Commission,

- Q What is your name, please? A Nannie Carver.
Q What is your postoffice address? A Muskogee.
Q What's your age? A My age?
Q Yes. A Twenty-nine.
Q You claim to be a citizen by blood of the Cherokee Nation?
A Yes, sir.
Q What is your husband's name? A Frank Carver.
Q He a white man, is he? A Yes, sir.
Q Is he an applicant for enrollment as a citizen by blood of the Cherokee Nation? A Sir?
Q Is your husband an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes, sir.
Q When were you and Frank Carver married? A I can't think, it has been so long.
Q About how long ago has it been? A Oh, let's see.
Q Has it been as much as ten years ago? A Yes, sir, it has been longer than that, I guess.
Q Where were you married to Frank Carver? A Where was we married at?
Q Yes. A At Dr. Williams.
Q Here in Muskogee? A Yes, sir.
Q Did you marry him under Cherokee license? A Yes, sir.
Q Did you file the license with the Commission when you made the original application for him? A Sir?
Q Did you file the license when you made the original application for him? A Yes, sir, they have got all of them.
Q Where is your husband now that he does not appear in person?
A In the penitentiary.
Q Can't get here? A No, sir.
Q How long has he been in the penitentiary? A I don't know just how long it has been; five or six years or more, I don't know just how long.
Q Well, how long will he be there before he gets out? A I think he was put in there for life, I think.
Q He was put in there for life? A Yes, sir.
Q Where was he sent from, what Court? A Sent from here.
Q From Muskogee? A From Fort Smith.
Q Had you ever been married before you married Frank Carver?
A No, sir.
Q Had he ever been married before he married you? A No, sir.
Q Did you and Frank Carver live together as husband and wife all the time up until the time he was sent to the penitentiary?
A Nearly all the time, yes, sir.
Q You and he were not separated, had no falling out or separation?
A We never did separate, no, sir.
Q Since he has been sent to the penitentiary have you been divorced from him? A No, sir.

Q You and he in the eyes of the law are still husband and wife, are you? A Yes, sir.

Q And were husband and wife on the first day of September, 1902? First day of September, 1902, this last September? A Yes, I guess we were, that has been a long time.

Q Did Frank Carver reside in the Indian Territory all the time from the date of his marriage to you up until he was sent to the penitentiary? A Yes.

Q Never lived out of the Territory during that time? A Not without he would just go off.

Q I mean live out. A No, he never lived out.

Q You and your children lived in the Cherokee Nation ever since your marriage to Mr. Carver and since their birth? A Yes, sir.

Q Never lived anywhere else since you were married? A No, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 5th day of November, 1902.

B C Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 22, 1900.

In the matter of the application of Nannie Murray for the enrollment of herself and two children as Cherokees by blood: being sworn and examined by Commissioner Needles, she testified as follows:

- Q. What is your name? A. Nannie Murray.
- Q. How old are you? A. I am 47 or 48.
- Q. What is your post office address? A. Bennett, I. T.
- Q. Are you a recognized citizen of the Cherokee Nation? A. yes, sir.
- Q. By blood or intermarriage? A. By blood.
- Q. What degree of blood do you claim? A. I guess about 1/4 maybe.
- Q. What district do you live in? A. Canadian.
- Q. How long have you lived in the Canadian district? A. I have lived in Canadian district about 2 years.
- Q. Where did you live before that? A. I lived in Muskogee part of and time and I lived here some.
- Q. Where did you live before you come to the Canadian district, in Muskogee? A. I went from here there.
- Q. When did you go to Muskogee? A. I don't know just exactly, what year I went to Muskogee in.
- Q. How long have you lived in Muskogee? A. Off and on, backwards and forwards, in and out of the Nation, about 16 years I guess.
- Q. You lived between her and the Creek Nation for the last 16 years? A. Yes, sir.
- Q. Did you live permanently in the Cherokee Nation the last time for how long? A. I have lived here I guess about 2 years at a time, and a year, just backwards and forwards.
- Q. You haven't been backwards and forwards for the last two years? A. No, sir, I have been right in the Nation.
- Q. Who do you apply to enroll this morning? A. I have two sons.
- Q. Do you want to enroll yourself? A. Yes, sir.
- Q. Two sons under 21 years of age? A. ~~Yes, sir.~~ One is 19 and one is 21, he isn't able to come, he is home sick with slow fever.
- Q. Your father a non citizen? A. Yes, sir.
- Q. He is not living? A. No, sir.
- Q. Your mother a citizen? A. Yes, sir.
- Q. What was her name? A. Jane Riley.
- Q. Is she living? A. No, sir.
- Q. When did she die? A. She died in time of the war.
- Q. What is the name of the children that you want to enroll? A. Malcomb Murray, 19 years old.
- Q. What is the name of the next one? A. John Murray, 21 years old.
- Q. What is the reason John isn't here himself? A. He is down with slow fever.
- Q. How long has these children lived in the Cherokee Nation, John and Malcomb? A. They have lived with me all the time.
- Q. They have been with you all the time, in and out just as you have? A. Yes, sir.
- Q. Your name doesn't appear upon the authenticated roll of 1880? A. No, sir, I don't think it does.
- Q. Your name before you married was Riley? A. Yes, sir.
- Q. When did you marry, ~~xxx~~ what was the date of your marriage to your husband, Murray? A. It got burned up.
- Q. About what year were you married in? A. About 68.
- Q. You married about 1868? A. Yes, sir.
- Q. You lived with your husband then until his death? A/ Yes, sir.
- Q. You don't recollect about what year he died? A. In 1882.
- Q. Your husband Murray died in 1882? A. Yes, sir.
- (On 1896 roll, page 54, No. 1481, Nannie Murry, Canadian District, John Murray on 1896 roll, page 54, No. 1483, John Murry, Canadian dist. On 1896 roll, page 54, No. 1484, Malcomb Murry, Canadian district.

Nannie Murray - 2.

Nannie Murray on 1894 roll, page 68, No. 1471, Canadian district.
Malcomb Murray on 1894 roll, page 68, No. 1474, Malcolm Murray,
Canadian District.)

Q. Did John draw strip money in 1894? A. No, sir, they claimed
they lost the papers.

The name of Nancy Murray appears upon the census roll of 1896
as well as on the pay roll of 1894. The name of her son Malcomb also
appears upon the census roll of 1896 and the pay roll of 1894. The
name of her son John only appears upon the census roll of 1896.
The name of Nannie Murray not appearing upon the authenticated roll
of 1880, consequently final judgment as to her enrollment and that of
her sons, Malcomb and John, will be suspended, and their names will
be placed upon a doubtful card.

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Bruce C. Jones, being duly sworn, says that ~~xx~~ as stenographer
to the Commission to the Five Civilized Tribes, he correctly recorded
the proceedings and testimony in the above case, and that the fore-
going ~~xx~~ is a true and complete transcript of his stenographic notes
thereof.

Signed - Bruce C. Jones,

Sworn to and subscribed before me this the 29th day of August, 1900.

Signed - T. B. Needles,

Commissioner.

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File with Cherokee D-1267.

SUPPLEMENTAL: D- 864 and D- 152.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 27, 1900.

In the matter of the enrollment of Nannie Carver, and also of Nannie Murray as Cherokee citizens; Nannie Murray, being sworn and examined by Commissioner Needles, testified as follows:

- Q. What is your name? A. Nannie Murray.
Q. How old are you? A. About 40.
Q. What is your post office address? A. Bennett.
Q. You have applied for enrollment, haven't you, to the Commission? A. Yes, sir, I applied at Fort Gibson.
Q. Your name was placed on a doubtful card, wasn't it? A. Yes, sir.
Q. Now what have you to say now as to your citizenship and that of your daughter, Nannie Carver? A. They sent for me to come up here and you would look into it.
Q. Your name nor the name of your daughter, Nannie Carver, is on the 1880 roll either one of you, and there is no evidence introduced to show that you are entitled to Cherokee citizenship; now if you have any evidence to show that you are entitled to citizenship, you can produce it? A. There is Mr. Woodall, a relative of mine.

WILLIAM C. WOODALL, being sworn and ~~xxx~~ examined by Commissioner Needles, testified as follows;

- Q. What is your name? A. William C. Woodall.
Q. What is your age? A. 65.
Q. What is your post office address? A. Vinita.
Q. You are a citizen of the Cherokee Nation? A. Yes, sir.
Q. Do you know Nannie Murray? A. Yes, sir.
Q. What do you know in regard to her being entitled to Cherokee citizenship? A. What I know about it is what I have heard among the folks; I had an uncle named Killermore, - I think his first name was Moore and his Cherokee name as Killer, and his children always went by the name of Killermore; he was a full-blood; he was my uncle; he had a daughter named Jane; she married- I wasn't very well acquainted but from what I have understood from the family she married a man named O'Riley, and this lady here is a daughter of O'Riley.
Q. This woman Nannie Murray? A. Yes, sir.
Q. When was it she married Riley? A. I couldn't tell you.
Q. Where was it? A. I don't know.
Q. Was it in Georgia or in the Indian Territory? A. It was in the Territory.
Q. Was Riley a Cherokee citizen by blood? A. I don't think he was. Nannie Murray: No sir, he was an adopted citizen.
Q. This Nannie Murray's mother was a Cherokee citizen by blood?
A. Yes, sir.
Q. Lived here in the Cherokee Nation? A. Yes, sir.
By W. W. Hastings, Cherokee Rep've:
Q. Are you personally acquainted with this woman's mother, Nannie Murray's mother? A. I Used to be.
Q. How long ago? A. 51 and upwards.
Q. What became of them then? A. They all died I think.
Q. Do you know where this woman was born? A. No I do not.
Q. You don't know where she has been living? A. They lived down here on Fourteen Mile Creek and I was raised upon Honey Creek, I was acquainted with the family, and saw them once in a while, but most I knew about them was what I heard from my mother and my relations.
Q. From family history? A. Yes, sir.
Q. When was the first time you ever saw this woman? A. I saw her about five years ago.
Q. Where was she? A. At Muskogee, she came to file a claim.

Q. You witnessed for her? A. No I didn't witness for her.

NANNIE MURRAY RECALLED.

Com'r. Needles:

Q. You were before the Dawes Commission four years ago, were you?

A. No sir, I went to file a claim for Settlers' money.

Q. Who before? A. Mr. Keys.

By Hastings:

Q. You didn't apply then to the Dawes Commission? A. No, sir.

Q. Where were you born? A. 14 mile creek, Cherokee Nation.

Q. How old are you? A. I am about 40.

Q. How long have you lived on Fourteen Mile Creek? A. I lived there until I was grown.

Q. Until you were about 18 or 20 years old? A. Yes, sir.

Q. Where were you married? A. Ft. Gibson.

Q. Who were some of your neighbors there on 14 mile creek?

A. The Spears.

Q. Who do you know at Ft Gibson? A. All the old residents I guess they are gone now, there was Frenchie Miller and his wife, and Mrs Katie Daniels and her husband, I went to school to her.

Q. When did you move to Muskogee? A. I moved to Muskogee about 10 years ago, I guess.

Q. Where from? A. Ft Gibson.

Q. You lived at Ft Gibson up until 10 years ago? A. No, sir, but I moved from Ft Gibson to Muskogee and then down to Canadian.

Q. You mean to say that you were born in the Cherokee Nation and you have never lived out except in Muskogee?

A. No, sir, I never lived out, I traveled a right smart.

Q. Where have you traveled? A. In Colorado.

Q. How long were you in Colorado? A. About three months I guess.

Q. Any other place? A. In Wyoming.

Q. How long? A. About three months I guess.

Q. Is your husband dead? A. Yes, sir.

Q. Where did he die? A. He died in Washington.

Q. State of Washington? A. He died in the State of Washington.

Q. Were you there with him? A. No sir.

By Com'r. Needles:

Q. You know why your name is not on the 1880 roll? A. No sir, I guess it was just neglected and wasn't put on, I guess I was neglected.

By Hastings:

Q. What did you say your mother's name was? A. Jane Killermore.

WITNESS WILLIAM C. WOODALL RECALLED.

Q. Her mother was your aunt? A. No sir, Killermore was my uncle, and this Jane was his daughter.

Q. Who did Killermore marry? A. I don't know.

Q. You didn't know her mother then? A. She was a white woman I think.

Applicant Nannie Murray: Grand-pa's wife was a white woman.

Com'r. Needles, to Nannie Murray:

Q. Your mother's name was Riley? A. O'Riley.

M.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed - M. D. Green,

Subscribed and sworn to before me this 28th day of November 1900.

Signed- T. B. Needles,

Commissioner.

S U P P L E M E N T A L T E S T I M O N Y .

"D" #152.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., NOVEMBER 28th, 1900.

SUPPLEMENTAL TESTIMONY IN the matter of the application of
NANNIE MURRAY et al. for enrollment as citizens of the Cherokee
Nation.

STEPHEN SPERS, being sworn and examined by Commissioner Need-
les, testified as follows:

- Q. What is your name? A. Stephen Spers.
Q. How old are you Mr. Spers? A. About 60.
Q. What is your post office address? A. Tahlequah.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.
Q. By blood? A. Yes, sir.
Q. About how much blood do you claim? A. I do not know, I could not
say; about half breed I guess.

Q. Do you know Nannie Murray? A. Yes, I knew her when she went
by the name of Riley.

INTERROGATORIES BY W.W.HASTINGS, Cherokee Representative:

- Q. What was her father's name? A. John Riley. They called him
Captain Riley, but his name was John.
Q. Do you know whether he was a Cherokee by blood? A. He was
adopted.
Q. Do you know what her mother's name was? A. Killmore.
Q. How long ago was it when you knew her? A. After the war and
before the war; it has been about, she lived down there about '69,
Q. Down where? A. Fourteen mile creek.
Q. In Tahlequah District? A. Yes, sir.
Q. You knew her in about '69? A. Yes, sir.
Q. Have you known her since? A. I have seen her once or twice since
she went to Gibson.
Q. When did you see her the last time? A. About 28 years ago.
Q. What do you say her mother's name was? A. Killmore.
Q. A Cherokee by blood? A. Her father was a full-blood.
Q. Now, do you know that this woman is the daughter of this Kill-
more woman. A. That is what I think she is, I guess she is.
Q. What I am trying to get, Steve; how old was this woman when you
first knew her? A. About his high.
Q. About six or seven years ~~x~~ old? A. Yes, sir.
Q. Was she living with this Killmore woman when you knew her?
A. Yes, sir, I think she died during the war.
Q. You said that you knew her in '69, that has been since the war?
A. I said I knew her before the war and since the war.
Q. You do not know where they have been living for the last 15
or 20 years? A. No, sir.

BY COM'R. NEEDLES: .

- Q. How old was this woman when you saw her the last time on Fourteen
Mile creek? A. She was ~~x~~ a young woman then.
Q. How long was it from that time until you saw her again? A. I could
not say; I saw her at Bigson, after she was married I saw her.
Q. Did you identify her as the same woman? A. Yes, sir.
Q. You are satisfied now that she was the same woman? A. Yes, sir.
Q. Was her mother an Indian by blood? A. Yes, sir.
Q. Her father also? A. Her father was a white man.
Q. You do not know where she was about the year 1880, do you?
A. No, sir.

BY W. W. HASTINGS, Cherokee Representative, to the applicant, Nannie
Murray: Q. I want to ask you if you applied to the Dawes Com-
mission for enrollment four years ago? A. No, sir.

Supl-Stephen Spers--2.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed- J. O. Rosson,

Subscribed and ~~xxx~~ sworn to before me this 28th day of November, 1900.

Signed T. B. Needles,

Commissioner.

"R"

Cherokee D 152.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Nannie Murray and others for enrollment as Cherokee citizens by blood;

Appearances;

Applicant, in person;

W.W.Hastings, attorney for the Cherokee Nation.

NANNIE MURRAY, being sworn and examined, testified as follows:

BY COMMISSION:

- Q. What is your name? A. Nannie Murray.
Q. How old are you? A. I am about 52.
Q. What is your post office address? A. Bennett, I. T.
Q. You are an applicant before this Commission for enrollment as a Cherokee citizen? A. Yes, sir.
Q. Is there any other statement that you desire to make relative to your enrollment as a citizen of the Cherokee Nation?
A. I understand the reason I was not here my husband was a soldier and we traveled all the time, we was on the frontier around the hostile Indians.
Q. Is that the reason you were not here in 1880? A. Yes, sir.
Q. Is that the reason your name does not appear on the 1880 roll?
A. Yes, sir.
Q. How long were you away from the Territory at that time? A. I don't know exactly how long.
Q. About how long? A. About 5 years I guess.
Q. How long before 1880 did you leave the Territory? A. I was out and in, we was out here at Okmulgee awhile.
Q. How long before 1880 was it that you left the Cherokee Nation, what year was it in, do you remember? A. '73 or '4, I don't remember.
Q. How long were you gone? A. I was gone about five years.
Q. Then you were back here in the Cherokee Nation in 1880 were you not? A. No, sir, I was not back here at that time; I was in Colorado Springs.
Q. When did you first come to the Cherokee Nation? A. I was here in 1880, but I wasn't here at the time they enrolled.
Q. Have you ever been out of the nation since that time? A. No sir.
MR. HASTINGS waives cross-examination.
Q. Do you submit this case now to the Commission for final consideration? A. Yes sir.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed M. D. Green,

Subscribed and sworn to before me this February 20, 1902.

Signed - T. B. Needles

Commissioner.

11
Ella Mielens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy, and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 16th day of August 1902.

Ella Mielens

Russell C. Jones
Notary Public.

Notas Suplic:

unpublished and known to police as this variant is "1805".

thereof.
The foregoing is an accurate transcript of his stenographic notes
the foregoing and proceedings thereof in the above entitled cases; and that
Commissioner for the said District of Idaho, she collectively recorded the
E. C. Bergner; on oath and under that as stenographer to the

case of Mamie Graver, D 864; in the case of Gravel, D 123; in the case of Wedgie, D 122; and in the case of James and Elizabeth, D 121; in the case of Lizette D 123; in the case of the card of her being that of Mamie Murley, part of the record in the case of her being that of Mamie Murley, the Commission: This testimony will be filed with and made a

The Conclusion:

This book will be fitted with end marks

Y. L. BOY A

Has she been reading here continuously since that time?
About now old is she now? A Twenty-nine.

YET BY A

Did you return at the same time you came back?

Y. I. Nekrasov

There was your grandfather, who is now known as Hannufo Carver, born in

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 12, 1902.

In the matter of the application of Fannie Murray, for the enrollment of herself and her children Malcomb and John Murray, as citizens by blood of the Cherokee Nation:

TESTIMONY IN BEHALF OF APPLICANTS.

Appearances:

Cherokee Nation represented by J. C. Starr;
Applicants appear by Lizzie Carver.

JOSUAH ROSS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Josuah Ross.
Q What is your age ? A Sixty-nine.
Q What is your post office address ? A Muskogee.
Q Are you acquainted with the applicant in this case, Fannie Murray ? A Yes sir.
Q How long have you known her ? A I have known her at least about thirty years. I think she has been here about that length of time.
Q Do you know her children ? A Yes sir.
Q Can you name them ? A One is, this young lady there is Mary.
Q Mary E. Weddle ? A Yes sir. The other is Lizzie.
Q Is her name Lizzie Carver at this time?
A Yes sir. And Jim Finnigan, her brother.
Q Did she have a boy named James ? A Yes sir.
Q Do you know whether or not all her children were born here in the Cherokee Nation ?
A I think they were, yes sir, that's my impression.
Q What is the citizenship of Fannie Murray ? A She's a Cherokee.
Q Do you know whether or not she ever left the Cherokee Nation ?
A No, I do not.
Q Do you know where she was living when the roll of 1880 was made ?
A I expect she was living here in Muskogee.
Q Do you know why her name isn't on the roll of 1880 ?
A No sir, I do not, unless she was living here and didn't get over. Like they left me off; I went over in the District and they promised to put me down, and didn't do it--the census takers.
Q Have you ever heard her right as a Cherokee disputed ?
A No sir.
Q Has she been continuously a resident of the Indian Territory since you have known her ? A Yes sir.
Q Have you known her continuously ? A Yes sir.
Q Did you know her husband ? A In a general way.
Q Have her children all resided here continuously ?
A Yes sir.

WILLIAM MOTT, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A William Mott.
Q How old are you ? A Fifty-nine.
Q Where do you reside ? A Two miles east of town here.
Q Is Muskogee your post office ? A Yes sir.
Q Are you a Cherokee by blood ? A Yes sir.
Q Do you know the applicant in this case, Fannie Murray ?
A Yes sir.
Q How long have you known her ?
A Ever since she was a child, I guess.

Q Where was she living when you first knew her ?
A On three mile creek.
Q In the Cherokee Nation ? A Yes sir.
Q Do you know whether or not she ever left the Cherokee Nation ?
A Yes sir; she was married to a soldier, and he was ordered away, and she ~~xxx~~ went with him.
Q Was that her husband, Murray ? A Yes sir.
Q Do you know where her children were born ?
A Some of them at Fort Gibson, I think.
Q Which ones, do you know ? A No sir.
Q Do you know about when it was that she left the Nation with her husband ? A No sir, I don't remember that.
Q Was it prior or subsequent to 1880 ?
A I don't remember; but I think it was before 1880.
Q Do you know when she came back ? A No sir.
Q Have you any idea ? A No sir; I don't know; don't have any idea.
Q Did you ever hear of her right to enrollment as a Cherokee, or the rights of her children to enrollment as Cherokees, being disputed ? A No sir.
Q Were her parents Cherokees ? A Yes sir.
Q Both of them ? A No.
Q Was her mother the Cherokee ? A Yes sir, her mother was a Cherokee.
Q Had her mother always resided here up to the time she died ?
A I guess she had; so far as I know she did.

LIZZIE CARVER, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Lizzie Carver.
Q What is your age, and post office address ?
A I will soon be thirty two, and my post office is Muskogee.
Q Are you a daughter of Hattie Murray ? A Yes sir.
Q Where is your mother living at this time ?
A She is living here in town--in Muskogee.
Q Where were you born ? A I was born in Fort Gibson.
Q Where was your sister Mary E. Weddle born ?
A She was born in Dakota.
Q Where was your brother James born ? A In ~~Manassas~~ Dakota.
Q Where was Malcomb born ? A In Colorado.
Q Where was John born ? A In Colorado.
Q When did your mother leave the Cherokee Nation ?
A Sometime, I think, between 1873 and 1874, I wouldn't be sure.
Q You were taken with her when she left ? A Yes sir.
Q Well, where did she go to at that time ?
A I can't tell you, out towards where Oklahoma is now, I think.
Q What was your father's occupation ? A He was a soldier.
Q Was your mother married to him while he was stationed at Fort Gibson ? A Yes sir.
Q And she accompanied him when his troop was removed ?
A Yes sir.
Q How long was it before your mother again came back to the Cherokee Nation ?
A I think she came back in the winter of 1880.
Q Did all these children that I named a while ago return with her at that time ? A Yes sir.
Q Did you all come back together ? A Yes sir.
Q Are all of you now residents of the Indian Territory ?
A Yes sir.

- Q Have you been residents continuously since the winter of 1880 ?
A Yes sir.
Q Have either of you, your mother, or brothers and sisters, ever lived outside the Indian Territory since that time ?
A No sir, not that I know of.
Q Have you all been recognized as citizens of the Cherokee Nation since you came back here in the winter of 1880 ? A Yes sir.
Q Had your mother always been recognized as a citizen prior to her departure in the seventies with your father ? A Yes sir.
Q Your father is dead ? A Yes sir.
Q When did he die ? A In 1882, I believe.
Q After your return to the Nation ? A Yes sir.
Q You were the only child born prior to the time your mother left the Nation ? A Yes sir.
Q The others were all born outside the Indian Territory ?
A Yes sir.
Q Where was your sister, who is now known as Hannie Carver, born ?
A In Dakota.
Q Did she return at the same time you all came back ?
A Yes sir.
Q About how old is she now ? A Twenty-nine.
Q Has she been residing here continuously since that time ?
A Yes sir.

The Commission: This testimony will be filed with and made a part of the record in the case at bar, being that of Hannie Murray, D 152; in the case of James Murray, D 151; in the case of Lizzie Carver, D 153; in the case of Mary E. Weddle, D 155; and in the case of Hannie Carver, D 864;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 12, 1902.

J. R. Renter
Notary Public.

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COMMISSIONER OF THE INTERIOR,
BUREAU OF LANDS, WASHINGTON, D.C.

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CHAMAN

RECEIVED
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ACTING CHAMAN

CERTIFICATE OF RECORD

United States of America, }
INDIAN TERRITORY. } SS.
First Judicial Division.

I, WILLIAM NELSON, Clerk of the United States Court in the Indian Territory
do hereby certify that the instrument hereto attached the *28th* day of
June A. D. 1890, was filed for record in my office this *27th*
day of *May* A. D. 1890, at *9* o'clock *A* M. and duly recorded the
27 day of *May* A. D. 1890, at *2* o'clock *P* M. in Book
A 1st Division, Page *21*

Witness my hand and seal of said Court at *Muscogee* in said
Territory, this *28* day of *June* A. D. 1890.

By

Deputy

W. Nelson Clerk.

United States of America Indian Territory,

To my friend authorized by law to solemnize
marriage -

I do hereby command to solemnize the rites
and publish the laws of matrimony between
Frank Leamer age twenty two years and Hannah
Murray age eighteen years according to law;
and to you officially sign and return this license to
the parties herein named

Witness my hand and seal of said Territory
the 26th day of May A.D. 1890

H. S. Jones
Clerk

United States of America Indian Territory, D. T.

I Mason F. Williams, Minister of the Gospel do hereby certify
that on the 26th day of May A.D. 1890, I did
duly and according to law, as commanded
in the foregoing license, solemnize the rites and
publish the laws of matrimony between the parties
herein named.

Witness my hand, this 26th day of May A.D. 1890
Mason F. Williams

10

1907

U. S. DEPARTMENT OF AGRICULTURE,
COMMISSION TO THE AMERICAN INDIAN TRIBES.

FILED

JAN 16 1902

W. C. CHARMAN,

CHEROKEE NATION, I. T., }

DISTRICT. }

I, *Mason F. Williams* Minister of *the Gospel*
 hereby certify that on the *26th* day of *May* 18*90*
 I joined in Marriage, Mr. *Frank Casper* a citizen
 of the United States, and Miss *Nannie Murray* a citizen
 of the Cherokee Nation, agreeable to the authority given in the within
 License and the customs and laws of the Cherokee Nation.
 Given under my hand this the *26th* day of *May*
 A. D. 18*90* *Mason F. Williams.*

Recorded in Book V
 Record of Marriages
 May 30. 1890
J. H. Taylor

Marriage License.

CHEROKEE NATION, I. T.,)
Illinois DISTRICT.)

To Any Person Legally Authorized to Solemnize Marriage—Greeting :

You are hereby authorized to join in the Holy Bonds of Matrimony
and to celebrate the rites and ceremonies of Marriage, between Mr.
Frank Cove, a citizen of the United
States and *Max Hannie Murray*, a
citizen of the Cherokee Nation, according to the usual custom and laws
of the Cherokee Nation, and you are required to return this License to
me, for record, within thirty days from the celebration of such Marriage
with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office

this the *24* day of *May*

A. D. 18*90*

Clerk

J. Jay Thomas
Illinois District

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutehfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred 2328
 Pearl V. Sisson 2339
 Nancy J. Sevier 2380
 Mollie Hair 2385
 Dora Sayers 2471
 William T. Jones 2501
 Sarah L. Martin 2502
 William J. Shoemaker 2506
 Maud Baldridge 2511
 James L. Townsend 2513
 George L. Morgan 2568
 Andrew A. Brown 2575
 Louis K. Fair 2623
 James L. Mitchell 2644
 Martha E. McNair 2659
 Millard F. Eggleston 2668
 Elisha M. Gray 2686
 Jessie M. Ballard 2694
 Annie Mayes 2798
 Belle Sixkiller 2809
 James P. Riley 2825
 William Broadus 2854
 William A. Martin 2865
 Joseph Q. Buchanan 2888
 Marcellus L. Baker 2905
 Etta M. Hill 2915
 John R. Smith 2922
 Ira W. Wallen 2926
 John B. Laurence 2959
 Lula O. Hitchcock 2961
 Bell L. Muskrat 2975
 Eliza O'Field 2977
 Margaret Suagee 2993
 Winfield S. Nance 3007
 Benjamin F. Kelley 3010
 Mollie Daugherty 3039
 Charles H. Leatherman 3043
 Alice A. Edwards 3100
 Dorinda Adair 3106
 William R. Gray 3118
 Dora B. Caulk 3143
 Jesse M. Gallman 3161
 Martha E. Garrett 3162
 Artie E. Large 3164
 Andrew A. Kelley 3191
 Anna B. Ryne 3193
 Eliza Henderson 3198
 David E. Jenkins 3212
 Lizzie Falling 3233
 Robert L. Payne 3252

William A. J. Trotter 3257
 Albert P. Goforth 3298
 Anna B. Martin 3307
 William Brown 3344
 Jennie B. Bluejacket 3345
 William Little 3377
 Julia M. A. Russell 3386
 Andrew J. Smith 3393
 William N. Blakemore 3396
 Lizzie Denton 3417
 Belle Hudson 3435
 Thomas S. Heady 3437
 William M. Roseborough 3444
 Madison G. Hawkins 3467
 Japhat F. Ellis 3491
 Emma McAffrey 3543
 William T. Huitt 3570
 Myra F. Chouteau 3580
 Phillip Donohoo 3581
 Fred L. Kelley 3593
 Annie Herod 3594
 Maggie V. Fields 3615
 Lou Payne 3616
 Frederick W. Strout 3692
 Andrew L. McCamish 3713
 Sarah Dirthrower 3731
 William P. Coble 3758
 Robert L. Madison 3761
 Mariah McDowell 3795
 Elizabeth R. Thornton 3811
 Donithan A. Wilson 3841
 Charles F. Covey 3868
 Tamsey M. Williams 3886
 Mary J. Wolfe 3889
 Lathan Lumbard 3891
 Micajah P. Haynes 3897
 Annie L. Wingfield 3903
 Mary Fields 3907
 William W. Dudley 3944
 Minnie M. McLaughlin 3950
 Henry B. Lindsey 3978
 Wilbert H. Parkison 3999
 Seth R. Hall 4011
 Wiley Hanna 4016
 Martha M. Woods 4093
 Lizzie Gray 4117
 Nancy C. Carey 4131
 Annie E. Kenney 4165
 William H. Ward 4169
 Nannie Brewer 4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boope	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Ruttinggourd	4991
Annie E. Coker	4605	Ida McCarry	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	Mav Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wily	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordah	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghorndey	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie L. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tynor	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Teece	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128
Terry A. Parkinson	7146
Cora L. Hanks	7147
Otto J. Zufall	7149
Rufus M. Norman	7155
Mary E. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Plariss	7180
William L. Whisenant	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549

Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpston	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldrige	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carriek	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Maey	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D	468
Sarah A. Fields	10214	Adolphus J. Hallum	D	483
Susie Henderson	10216	Alexander Walker	D	490
Charles H. Rienhardt	10218	Albert J. High	D	491
William H. Watkins	10221	America Matoy	D	501
Frank M. Rucker	10222	Moses L. Grazier	D	503
Henry C. Reed	10224	Myrtle Hall	D	509
Laura B. Timberlake	10226	Wallace Thursday	D	544
George A. Brown	10228	Thomas W. Baker	D	546
Drucilla Lowrey	10232	Mattie E. Keys	D	550
Almira Mouse	D 9	William S. Edwards	D	560
Lenora Prather	D 16	Susan L. Reed	D	572
Andrew M. Cooter	D 17	William H. Lyman	D	574
Martin L. Stokes	D 28	Gracia Davis	D	577
Peter Walters	D 44	Edward C. Bolen	D	582
Columbus M. Reeves	D 58	Dora Guthrie	D	585
Sarah Barnes	D 103	Samuel H. Hawkins	D	594
George T. Kiddy	D 108	Lula M. Purcell	D	600
Henry C. Agent	D 139	Ben Estes	D	603
Joseph Phipps	D 147	Thomas M. Reynolds	D	621
Henry Hilton	D 149	Arthur Dodge	D	622
David A. McGlamery	D 161	Carrie L. McNair	D	624
Maggie Doublehead	D 169	Constantine N. Walker	D	641
Annie Lovett	D 180	Joseph Davis	D	648
Nora Hood	D 184	Leander A. Keys	D	650
John A. Johnson	D 232	James J. Barndollar	D	655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D	682
Oncico W. Head	D 244	William S. Miles	D	688
Etta Taylor	D 245	Emma Waybourn	D	698
Susan V. Sullivan	D 262	Dora E. Rogers	D	708
Levi H. Tackett	D 263	James W. Turley	D	709
William H. Connelley	D 264	Lizzie Ward	D	711
Julia A. Sullivan	D 284	Robert J. Holly	D	713
May Fields	D 297	Belle I. Quinton	D	728
Katie Hummingbird	D 308	Francis M. Boothe	D	734
William F. Sager	D 320	Amos W. Lord	D	746
Lovick P. Garrison	D 334	Agnes N. Childers	D	749
Henry Grubb	D 338	John E. Renfrow	D	752
Lucy F. Lacey	D 340	William Coon	D	759
Callie Blevins	D 341	Louis Bruere	D	779
James S. Alfrey	D 355	Georgia A. Waybourn	D	786
Shadrack C. Wallen	D 368	Eliza Fields	D	787
Ada Hall	D 376	William H. Brown	D	788
Jane M. Hicks	D 396	William A. Cox	D	793
Fannie L. Dupree	D 403	Charles A. Robison	D	799
Willis Battles, Jr.	D 404	Artha Williams	D	800
Joshua W. Ellis	D 413	Adam Gearhart	D	806
Nina B. Owen	D 450	Cicero F. Rogers	D	855
John M. Ridenour	D 458	Annie Garrett	D	856
Emery S. Thompson	D 464	George S. Yarborough	D	875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Maddling	D 1637
Benjamin S. Ickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna I. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Seroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Ellie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D 3081	Della Baldridge	R 105
Horace Gray	D 3082	Samuel Richey	R 107
Lula Pack	D 3083	Malissa Fields	R 144
Lelia C. Harris	D 3084	Fred Zimmerman	R 220
Thomas Jones	D 3086	Ella Anspach	R 241
Benjamin Laws	D 3088	Michael R. Mizer	R 266
Martha Spade	D 3092	Belle A. Powell	R 352
Julian Wyrick	D 3093	Austin L. Hill	R 420
Samuel Harlan	D 3157	Mary L. Dudley	R 439
Lizzie Phariss	D 3171	Stephen Hazlett	R 465
Jack Michael	D 3172	Mary A. Payne	R 484
Sarah E. Davis	D 3176	Rebecca Benge	R 563
Grace Guthrie	D 3181	Sarah Wilson	R 613
Mary E. Thornton	D 3183	Dora Crane	R 628
Mamie Thompson	R 4	Andrew Sitrell	R 642
Jimmie G. Thompson	R 5	John Sitrell	R 642
William T. Kelly	R 10	Lillie May Wilson	R 643
Alice Tidwell	R 19	Ollie A. Barger	R 656
Rosenna McLaughlin	R 41	Ida Hawkins	R 671
Martha A. Perdue	R 45	Lizzie Davis	R 761
Gabriel L. Payne	R 61	Clara M. Emmons	R 803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied

Dated at Muskogee, Indian Territory,

Commissioner.

this January 10, 1907.

Cherokee D
1267

Muskogee, Indian Territory, March 14, 1907.

Frank Carver,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MH

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

V. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Cher. D 1267

Muskogee, Indian Territory, January 10, 1907.

Frank Carver,

Muskogee, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

11/19/67

WASH. D.C.

U.S. DEPARTMENT OF AGRICULTURE

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRICKNORRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1267

Muskogee, Indian Territory, **March 3,**

1902.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mrs. Nannie Garver,

Muskogee, Indian Territory,

Madam:-

You are hereby notified that the application of

Frank Garver

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, **that you may deem necessary.**

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

~~Acting Chairman~~
Commissioner in Charge.

COMMUNICATIONS
HENRY L. DAW
TAMM HIRSH
THOMAS H. NELSON
C. R. BAKER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-1867.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

Muskogee, Indian Territory, September 23, 1902.

Frank Carver, care of Nannie Carver,

~~Barnett~~, Indian Territory.

Dear Sir:

The Act of Congress, approved July 1, 1902, and entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,

Acting Chairman.

per 12



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RETURNED TO
WRITER
Muskogee

Handwritten signature and address.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

3261

Mrs. Nannie Carver,

~~Muskogee~~, Indian Territory.

END
OF
ROLL.



